



General Assembly

**Substitute Bill No. 6977**

January Session, 2005

\* \_\_\_\_\_HB06977JUD\_\_\_\_041305\_\_\_\_\_\*

**AN ACT CONCERNING THE REVISOR'S TECHNICAL CORRECTIONS  
TO THE GENERAL STATUTES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 1-1g of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective from*  
3 *passage*):

4 (b) As used in subsection (a) of this section, "general intellectual  
5 functioning" means the results obtained by assessment with one or  
6 more of the individually administered general intelligence tests  
7 developed for that purpose and standardized on a significantly  
8 adequate population and administered by a person or persons  
9 formally trained in test administration; "significantly subaverage"  
10 means an intelligence quotient more than two standard deviations  
11 below the mean for the test; "adaptive behavior" means the  
12 effectiveness or degree with which an individual meets the standards  
13 of personal independence and social responsibility expected for the  
14 individual's age and cultural group; and "developmental period"  
15 means the period of time between birth and the eighteenth birthday.

16 Sec. 2. Subsection (c) of section 1-58 of the general statutes is  
17 repealed and the following is substituted in lieu thereof (*Effective from*  
18 *passage*):

19 (c) If the notarial act is performed by a person other than one  
20 described in subsections (a) and (b) of this section, there is sufficient  
21 proof of the authority of that person to act if the clerk of a court of  
22 record in the place in which the notarial act is performed certifies to  
23 the official character of that person and to his authority to perform the  
24 notarial act.

25 Sec. 3. Subsection (b) of section 1-226 of the general statutes is  
26 repealed and the following is substituted in lieu thereof (*Effective from*  
27 *passage*):

28 (b) Any such public agency may adopt rules governing such  
29 recording, photography or the use of such broadcasting equipment for  
30 radio and television stations but, in the absence of the adoption of such  
31 rules and regulations by such public agency prior to the meeting, such  
32 recording, photography or the use of such radio and television  
33 equipment shall be permitted as provided in subsection (a) of this  
34 section.

35 Sec. 4. Subsection (c) of section 2-32b of the general statutes is  
36 repealed and the following is substituted in lieu thereof (*Effective from*  
37 *passage*):

38 (c) The estimate required by subsection (b) of this section shall be  
39 the estimated cost to local governments for the first fiscal year in which  
40 the bill takes effect. If such bill does not take effect on the first day of  
41 the fiscal year, the estimate shall also indicate the estimated cost to  
42 local governments for the next following fiscal year. If a bill is  
43 amended by the report of a committee on conference in such a manner  
44 as to result in a cost to local governments, the Office of Fiscal Analysis  
45 shall append an estimate of such cost to the report before the report is  
46 made to either house of the General Assembly.

47 Sec. 5. Section 3-13c of the general statutes is repealed and the  
48 following is substituted in lieu thereof (*Effective from passage*):

49 Trust funds as used in sections 3-13 to 3-13e, inclusive, and 3-31b

50 shall be construed to include Connecticut Municipal Employees'  
 51 Retirement Fund A, Connecticut Municipal Employees' Retirement  
 52 Fund B, Soldiers, Sailors and Marines Fund, State's [Attorney]  
 53 Attorneys' Retirement Fund, Teachers' Annuity Fund, Teachers'  
 54 Pension Fund, Teachers' Survivorship and Dependency Fund, School  
 55 Fund, State Employees Retirement Fund, the Hospital Insurance Fund,  
 56 Policemen and Firemen Survivor's Benefit Fund and all other trust  
 57 funds administered, held or invested by the Treasurer.

58 Sec. 6. Subsection (b) of section 3-21b of the general statutes is  
 59 repealed and the following is substituted in lieu thereof (*Effective from*  
 60 *passage*):

61 (b) The provisions of subsection (a) of this section shall not apply to  
 62 any consolidated amounts, as defined in section 8-37rr.

63 Sec. 7. Subsection (a) of section 3-25 of the general statutes is  
 64 repealed and the following is substituted in lieu thereof (*Effective from*  
 65 *passage*):

66 (a) Except as provided in subsections (b) and (c) of this section, the  
 67 Treasurer shall pay out the public moneys only upon the order of the  
 68 General Assembly, of the Senate, of the House of Representatives, of  
 69 the several courts when legally authorized or of the Comptroller for  
 70 accounts legally adjusted by him or when he is authorized to order for  
 71 the payment of money from the Treasury. He shall pay no warrant or  
 72 order for the disbursement of public money until the same has been  
 73 registered in the office of the Comptroller. The Comptroller shall not  
 74 issue any warrant, draft or order except upon (1) an adequate  
 75 expenditure voucher which shall be retained in his office for the period  
 76 provided by law, (2) certification by an expending agency which  
 77 retains an adequate expenditure voucher in accordance with such  
 78 procedures as the Comptroller may prescribe, or (3) upon certification  
 79 by the chief executive officer of a constituent unit of the state system of  
 80 higher education, provided, in the case of the Connecticut State  
 81 University system, the certification may be made by the chief executive

82 officer of a state university, as provided in subsection (b) of section 3-  
83 117.

84 Sec. 8. Subsection (a) of section 3-119 of the general statutes is  
85 repealed and the following is substituted in lieu thereof (*Effective from*  
86 *passage*):

87 (a) The Comptroller shall pay all salaries and wages not less than  
88 ten calendar days [nor] or more than fifteen calendar days after the  
89 close of the payroll period in which the services were rendered, except  
90 as provided in subsections (b) and (c) of this section, but shall draw no  
91 order in payment for any service of which the payroll officer of the  
92 state has official knowledge without the signed statement of the latter  
93 that all employees listed on the payroll of each agency have been duly  
94 appointed to authorized positions and have rendered the services for  
95 which payment is to be made. The Comptroller is authorized to  
96 develop, install and operate a comprehensive fully documented  
97 electronic system for effective personnel data, for payment of  
98 compensation to all state employees and officers and for maintenance  
99 of a chronological and permanent record of compensation paid to each  
100 employee and officer for the state employees retirement system and  
101 other purposes. The Comptroller is authorized to establish an  
102 accounting procedure to implement this section.

103 Sec. 9. Subsection (b) of section 4-7 of the general statutes is repealed  
104 and the following is substituted in lieu thereof (*Effective from passage*):

105 (b) (1) Except as provided in subdivision (2) of this subsection, if a  
106 vacancy occurs in the office of any department head while the General  
107 Assembly is in regular session, the Governor shall, within thirty  
108 calendar days of the occurrence of the vacancy, submit his nomination  
109 to fill the vacancy to either house of the General Assembly. The house  
110 to which the nomination is submitted shall immediately refer the  
111 nomination to its committee on executive nominations, which shall  
112 report thereon by resolution within ten legislative days from the date  
113 of reference. Such house shall confirm or reject said nomination. If

114 such house, by resolution, confirms the nomination within thirty  
 115 calendar days after it is submitted, the nominee shall forthwith take  
 116 office to serve at the pleasure of the Governor but no longer than the  
 117 original appointee could have served under his appointment. If such  
 118 house rejects the nomination within thirty calendar days after it is  
 119 submitted, the Governor shall, within thirty calendar days, submit  
 120 another nomination to either house of the General Assembly,  
 121 provided, if any nomination is submitted less than thirty calendar days  
 122 before the date established by the Constitution for adjournment of the  
 123 General Assembly, and the house to which it is submitted fails to  
 124 confirm or reject the nomination before its adjournment on said date,  
 125 the procedure prescribed in subsection (c) of this section shall be  
 126 followed.

127 (2) If a vacancy occurs in the office of any department head prior to  
 128 the first day of March during the first regular session of the General  
 129 Assembly following the election of a new Governor, the nominee of  
 130 the newly elected Governor may exercise the powers and duties of the  
 131 office as provided in section 4-8, as designate, until the nomination is  
 132 confirmed or rejected pursuant to subdivision (1) of this subsection.

133 Sec. 10. Subsection (b) of section 4-20 of the general statutes is  
 134 repealed and the following is substituted in lieu thereof (*Effective from*  
 135 *passage*):

136 (b) All state officers, state employees and other persons, other than  
 137 those listed in subsection (a) of this section, who in the opinion of the  
 138 board should be bonded, shall be bonded, the amount, condition and  
 139 form to be determined by the board. Bonds taken pursuant to this  
 140 subsection shall be purchased by the board, at the request of the  
 141 Comptroller at state expense from a company or companies authorized  
 142 to issue such bonds and having an office and licensed to do business in  
 143 this state. The Comptroller may, at any time, request that any such  
 144 bond be cancelled or terminated and any rebate of premium thereon  
 145 shall be returned to the Comptroller for deposit in the General Fund.

146 Sec. 11. Subsection (b) of section 4-58a of the general statutes is  
147 repealed and the following is substituted in lieu thereof (*Effective from*  
148 *passage*):

149 (b) Any employee of a state institution who is a member of its  
150 regular or volunteer fire department or institutional fire brigade who is  
151 injured or dies as a result of responding to, working at or returning  
152 from a fire outside of such institution, in accordance with an  
153 agreement entered into under subsection (a) of this section with the  
154 municipality in which the fire occurred, shall be deemed to have been  
155 injured in the course of his employment and he and his estate shall be  
156 entitled to all the benefits of title 5 and chapter 568, provided the  
157 superintendent of such institution shall have authorized his service at  
158 such fire.

159 Sec. 12. Subsection (b) of section 4-67m of the general statutes is  
160 repealed and the following is substituted in lieu thereof (*Effective from*  
161 *passage*):

162 (b) The goals, objectives and measures developed for each such  
163 agency pursuant to subsection (a) of this section shall be implemented  
164 for the biennium beginning July 1, 1993. The Office of Policy and  
165 Management, in consultation with each such agency, shall review and  
166 revise such goals, objectives and measures for each biennium  
167 thereafter.

168 Sec. 13. Subsection (a) of section 4-85 of the general statutes is  
169 repealed and the following is substituted in lieu thereof (*Effective from*  
170 *passage*):

171 (a) Before an appropriation becomes available for expenditure, each  
172 budgeted agency shall submit to the Governor through the Secretary of  
173 the Office of Policy and Management, not less than twenty days before  
174 the beginning of the fiscal year for which such appropriation was  
175 made, a requisition for the allotment of the amount estimated to be  
176 necessary to carry out the purposes of such appropriation during each  
177 quarter of such fiscal year. Appropriations for capital outlays may be

178 allotted in any manner the Governor deems advisable. Such requisition  
179 shall contain any further information required by the Secretary of the  
180 Office of Policy and Management. The Governor shall approve such  
181 requisitions, subject to the provisions of subsection (b) of this section.

182 Sec. 14. Subsection (c) of section 4-85 of the general statutes is  
183 repealed and the following is substituted in lieu thereof (*Effective from*  
184 *passage*):

185 (c) If a plan submitted in accordance with subsection (b) of this  
186 section indicates that a reduction of more than three per cent of the  
187 total appropriation from any fund or more than five per cent of any  
188 appropriation is required to prevent a deficit, the Governor may  
189 request that the Finance Advisory Committee approve any such  
190 reduction, provided any modification which would result in a  
191 reduction of more than five per cent of total appropriations shall  
192 require the approval of the General Assembly.

193 Sec. 15. Subsection (a) of section 4-168 of the general statutes is  
194 repealed and the following is substituted in lieu thereof (*Effective from*  
195 *passage*):

196 (a) Except as provided in subsection (g) of this section, an agency,  
197 prior to adopting a proposed regulation, shall: (1) Give at least thirty  
198 days' notice by publication in the Connecticut Law Journal of its  
199 intended action. The notice shall include (A) either a statement of the  
200 terms or of the substance of the proposed regulation or a description  
201 sufficiently detailed so as to apprise persons likely to be affected of the  
202 issues and subjects involved in the proposed regulation, (B) a  
203 statement of the purposes for which the regulation is proposed, (C) a  
204 reference to the statutory authority for the proposed regulation, and  
205 (D) when, where and how interested persons may present their views  
206 on the proposed regulation; (2) give notice by mail to each joint  
207 standing committee of the General Assembly having cognizance of the  
208 subject matter of the proposed regulation; (3) give notice by mail to all  
209 persons who have made requests to the agency for advance notice of

210 its regulation-making proceedings. The agency may charge a  
211 reasonable fee for such notice based on the estimated cost of providing  
212 the service; (4) provide a copy of the proposed regulation to persons  
213 requesting it. The agency may charge a reasonable fee for copies in  
214 accordance with the provisions of section 1-212; (5) following  
215 publication of the notice in the Connecticut Law Journal, prepare a  
216 fiscal note, including (A) an estimate of the cost or of the revenue  
217 impact on the state or any municipality of the state, and (B) if  
218 applicable, the regulatory flexibility analysis prepared under section 4-  
219 168a. The governing body of any municipality, if requested, shall  
220 provide the agency, within twenty working days, with any  
221 information that may be necessary for analysis in preparation of such  
222 fiscal note; (6) afford all interested persons reasonable opportunity to  
223 submit data, views or arguments, orally at a hearing granted under  
224 subdivision (7) of this subsection or in writing, and to inspect and copy  
225 the fiscal note prepared pursuant to subdivision (5) of this subsection;  
226 (7) grant an opportunity to present oral argument if requested by  
227 fifteen persons, by a governmental subdivision or agency or by an  
228 association having not less than fifteen members, if notice of the  
229 request is received by the agency within fourteen days after the date of  
230 publication of the notice; and (8) consider fully all written and oral  
231 submissions respecting the proposed regulation and revise the fiscal  
232 note in accordance with the provisions of subdivision (5) of this  
233 subsection to indicate any changes made in the proposed regulation.  
234 No regulation shall be found invalid due to the failure of an agency to  
235 give notice to each committee of cognizance pursuant to subdivision  
236 (2) of this subsection, provided one such committee has been so  
237 notified.

238 Sec. 16. Subsection (g) of section 4-168 of the general statutes is  
239 repealed and the following is substituted in lieu thereof (*Effective from*  
240 *passage*):

241 (g) If an agency finds (1) that technical amendments to an existing  
242 regulation are necessary because of (A) the statutory transfer of  
243 functions, powers or duties from the agency named in the existing



244 regulation to another agency, (B) a change in the name of the agency,  
245 (C) the renumbering of the section of the general statutes containing  
246 the statutory authority for the regulation, or (D) a correction in the  
247 numbering of the regulation, and no substantive changes are  
248 proposed, or (2) that the repeal of a regulation is necessary because the  
249 section of the general statutes under which the regulation has been  
250 adopted has been repealed and has not been transferred or reenacted,  
251 it may elect to comply with the requirements of subsection (a) of this  
252 section or may proceed without prior notice or hearing. Any such  
253 amendments to or repeal of a regulation shall be submitted in the form  
254 and manner prescribed in subsection (b) of section 4-170, to the  
255 Attorney General, as provided in section 4-169, and to the standing  
256 legislative regulation review committee, as provided in section 4-170,  
257 for approval and upon approval shall be filed in the office of the  
258 Secretary of the State with, in the case of renumbering of sections only,  
259 a correlated table of the former and new section numbers.

260 Sec. 17. Subsection (c) of section 4-170 of the general statutes is  
261 repealed and the following is substituted in lieu thereof (*Effective from*  
262 *passage*):

263 (c) The committee shall review all proposed regulations and, in its  
264 discretion, may hold public hearings thereon, and may approve,  
265 disapprove or reject without prejudice, in whole or in part, any such  
266 regulation. If the committee fails to so approve, disapprove or reject  
267 without prejudice a proposed regulation, within sixty-five days after  
268 the date of submission as provided in subsection (b) of this section, the  
269 committee shall be deemed to have approved the proposed regulation  
270 for purposes of this section.

271 Sec. 18. Subsections (a) and (b) of section 4-173 of the general  
272 statutes are repealed and the following is substituted in lieu thereof  
273 (*Effective from passage*):

274 (a) The Commission on Official Legal Publications shall publish and  
275 distribute a compilation of all effective regulations adopted by all state

276 agencies subsequent to October 27, 1970, except regulations adopted  
277 pursuant to subsection [(e)] (f) of section 4-168. Such publication may  
278 be a supplement to or revision of the most current compilation, and  
279 shall be published at least semiannually. The Commission on Official  
280 Legal Publications may omit from such compilation (1) any regulation  
281 that is incorporated by reference into a Connecticut regulation and  
282 published by or otherwise available in printed form from a federal  
283 agency, a government agency of another state or a commercial  
284 publishing company, [or] (2) any regulation that is too expensive to  
285 publish, or (3) any regulation the publication of which would be  
286 unduly cumbersome. If [such] the commission omits a regulation from  
287 the compilation, it shall publish in the compilation a notice identifying  
288 the omitted regulation, stating the general subject matter of the  
289 regulation and stating an address, telephone number and any other  
290 information needed to obtain a copy of the regulation. Such address  
291 and telephone number shall be kept current in each semiannual  
292 publication of the compilation. The commission shall publish any  
293 regulation that has been omitted from publication under subdivision  
294 (2) of this subsection as soon as the commission has sufficient funds.

295 (b) The Commission on Official Legal Publications shall in addition  
296 cause to be published in the Connecticut Law Journal at least monthly  
297 the text of all regulations received by [such] the commission from the  
298 office of the Secretary of the State pursuant to section 4-172 during the  
299 preceding month. The commission may omit from the Connecticut  
300 Law Journal (1) any regulation submitted in accordance with  
301 subsection [(f)] (g) of section 4-168, for the purposes of renumbering  
302 sections only, if a correlated table of the former and new section  
303 numbers is published in lieu of the full text, (2) any regulation that is  
304 incorporated by reference into a Connecticut regulation and published  
305 by or otherwise available in printed form from a federal agency, a  
306 government agency of another state or a commercial publishing  
307 company, and (3) any regulation the publication of which would be  
308 too expensive or unduly cumbersome. If [such] the commission omits  
309 a regulation from publication in the Connecticut Law Journal under

310 subdivision (2) or (3) of this subsection, the commission shall publish  
311 in the Connecticut Law Journal a notice identifying the omitted  
312 regulation, stating the general subject matter of the regulation and  
313 stating an address, telephone number and any other information  
314 needed to obtain a copy of the regulation.

315 Sec. 19. Subsection (c) of section 4a-67h of the general statutes is  
316 repealed and the following is substituted in lieu thereof (*Effective from*  
317 *passage*):

318 (c) Not later than January 1, 2005, and annually thereafter, the  
319 department shall: (1) Develop and maintain information about  
320 environmentally preferable products, services and practices procured  
321 through the department, including, but not limited to, products,  
322 services and practices that minimize global warming impact and  
323 recycled products; (2) provide assistance with the implementation of  
324 the procedures developed pursuant to subsection (b) of this section  
325 and provide information to agencies about the use of environmentally  
326 preferable products and services; and (3) monitor the use of  
327 environmentally preferable products, services and practices and  
328 recycled products by state agencies. Such information compiled  
329 pursuant to this subsection shall designate those products, services or  
330 practices that cost the same as or less than other similar products,  
331 services or practices.

332 Sec. 20. Subsection (b) of section 4a-72 of the general statutes is  
333 repealed and the following is substituted in lieu thereof (*Effective from*  
334 *passage*):

335 (b) As used in subdivision (3) of subsection (a) of this section, "good  
336 faith dispute" means: (1) A contention by the state that goods delivered  
337 or services rendered were: (A) Of less quantity or quality than ordered  
338 or specified by contract; (B) faulty; or (C) installed improperly; or (2)  
339 any other reason giving cause for the withholding of payment by the  
340 state until such dispute is settled.

341 Sec. 21. Subsection (b) of section 4b-23 of the general statutes is

342 repealed and the following is substituted in lieu thereof (*Effective from*  
343 *passage*):

344 (b) On or before December first of each even-numbered year, the  
345 Commissioner of Public Works shall provide the Secretary of the  
346 Office of Policy and Management with a review of the plans and  
347 requests submitted pursuant to subsection (a) of this section for  
348 consistency with realistic cost factors, space requirements, space  
349 standards, implementation schedules, priority needs, objectives of the  
350 Commissioner of Public Works in carrying out his responsibilities  
351 under section 4b-30 and the need for the maintenance, improvement  
352 and replacement of state facilities.

353 Sec. 22. Subsection (a) of section 4b-52 of the general statutes is  
354 repealed and the following is substituted in lieu thereof (*Effective from*  
355 *passage*):

356 (a)(1) No repairs, alterations or additions involving expense to the  
357 state of five hundred thousand dollars or less or, in the case of repairs,  
358 alterations or additions to a building rented or occupied by a  
359 constituent unit of the state system of higher education, two million  
360 dollars or less shall be made to any state building or premises occupied  
361 by any state officer, department, institution, board, commission or  
362 council of the state government and no contract for any construction,  
363 repairs, alteration or addition shall be entered into without the prior  
364 approval of the Commissioner of Public Works, except repairs,  
365 alterations or additions to a building under the supervision and  
366 control of the Joint Committee on Legislative Management and repairs,  
367 alterations or additions to a building under the supervision of The  
368 University of Connecticut. Repairs, alterations or additions which are  
369 made pursuant to such approval of the Commissioner of Public Works  
370 shall conform to all guidelines and procedures established by the  
371 Department of Public Works for agency-administered projects. (2)  
372 Notwithstanding the provisions of subdivision (1) of this subsection,  
373 repairs, alterations or additions involving expense to the state of one  
374 hundred thousand dollars or less may be made to any state building or

375 premises under the supervision of the Office of the Chief Court  
376 Administrator or a constituent unit of the state system of higher  
377 education, under the terms of section 4b-11, and any contract for any  
378 such construction, repairs or alteration may be entered into by the  
379 Office of the Chief Court Administrator or a constituent unit of the  
380 state system of higher education without the approval of the  
381 Commissioner of Public Works.

382 Sec. 23. Subsection (d) of section 4b-53 of the general statutes is  
383 repealed and the following is substituted in lieu thereof (*Effective from*  
384 *passage*):

385 (d) The Connecticut Commission on Culture and Tourism shall,  
386 with respect to a work of art in any project under subsection (b) of this  
387 section, be responsible for the selection of any artist, artisan or  
388 craftsperson, review of any design or plan, and execution, completion,  
389 acceptance and placement of such work of art, provided any work of  
390 art to be located in any building under the supervision, security,  
391 utilization and control of the Joint Committee on Legislative  
392 Management shall be approved by said committee. The Commissioner  
393 of Public Works, in consultation with said commission, (1) shall be  
394 responsible for the contractual arrangements with any such artist,  
395 artisan or craftsperson, and (2) shall [prescribe] adopt regulations  
396 concerning implementation of the purposes of subsection (b) of this  
397 section and this subsection.

398 Sec. 24. Subsection (b) of section 4b-58 of the general statutes is  
399 repealed and the following is substituted in lieu thereof (*Effective from*  
400 *passage*):

401 (b) In determining fair and reasonable compensation to be paid in  
402 accordance with subsection (a) of this section, the commissioner shall  
403 consider, in the following order of importance, the professional  
404 competence of the consultant, the technical merits of the proposal, the  
405 ability of the firm to perform the required services within the time and  
406 budgetary limits of the contract and the price for which the services are

407 to be rendered.

408 Sec. 25. Subsections (c) and (d) of section 5-142 of the general  
409 statutes are repealed and the following is substituted in lieu thereof  
410 (*Effective from passage*):

411 (c) If a member of the Division of State Police within the  
412 Department of Public Safety who is not subject to the federal Insurance  
413 Contributions Act for such employment becomes or became disabled  
414 on or after July 1, 1979, and (1) the disability is not compensable under  
415 the terms of subsection (a) of this section and he elects or elected to  
416 receive disability retirement benefits under the provisions of section 5-  
417 169 or [section] 5-192p, or (2) he elects or elected to receive such  
418 disability retirement benefits in lieu of benefits otherwise available  
419 under subsection (a) of this section, the member shall be eligible to  
420 receive benefits under the provisions of subsection (d) of this section.  
421 Notwithstanding any [other] provision of the general statutes, the  
422 benefits granted under subsection (d) of this section shall be deemed to  
423 be federal Social Security disability benefits for purposes of calculating  
424 the maximum benefits available under the provisions of section 5-169  
425 or 5-192p. Any disability Social Security benefits payable to or on  
426 behalf of such member shall also be recognized for purposes of  
427 calculating such maximum benefits. For the purposes of this  
428 subsection, "disability" means any medically determinable injury or  
429 physical or mental impairment which permanently prevents the  
430 discharge of normal police functions by any member of the Division of  
431 State Police, provided the Commissioner of Public Safety cannot find a  
432 suitable position within the agency for such member. The  
433 determination as to whether a member is so disabled shall be made by  
434 the board of physicians established under section 5-169.  
435 Notwithstanding any provisions to the contrary in section 5-169, the  
436 maximum benefit limitation as set forth in subdivisions (1) and (2) of  
437 subsection (g) of section 5-169 shall apply to any member receiving the  
438 new benefits provided by subsection (d) of this section.

439 (d) Commencing on May 8, 1984, or the date of disability, if later,

each such disabled member of the Division of State Police within the Department of Public Safety shall receive a monthly allowance payable by the state employees retirement system, so long as the member remains so disabled, as follows: (1) To a disabled member, a monthly allowance of three hundred dollars for his lifetime; (2) if such disabled member is married, an additional monthly allowance of two hundred fifty dollars payable to the member and payable for the member's lifetime or until the spouse's divorce from the member; (3) if there are less than three dependent children, a monthly allowance of two hundred fifty dollars payable to the member for each child until each such child reaches the age of eighteen or until the child's marriage if such occurs earlier; (4) if there are three or more dependent children, a monthly allowance of five hundred and seventy-five dollars payable to the member but deemed to be divided equally among them. As each such dependent child reaches the age of eighteen years, or marries, if such occurs earlier, the child's share shall be deemed divided equally among the remaining surviving children, provided each child's share shall not exceed two hundred fifty dollars; when the shares payable on behalf of all but one of such dependent children have ceased, the disability benefit payable on behalf of the remaining child shall be two hundred fifty dollars. These benefits shall be integrated with the benefits of section 5-169 or 5-192p as if they were federal Social Security disability benefits in order to determine the maximum benefits payable to such disabled member. These benefits shall be subject to increases as provided in subsection (e) of this section. All benefits provided under this subsection shall be discontinued at the earlier of the member's recovery from disability or the member's death. If a disabled member dies, the survivor benefits provided under sections 5-146 to 5-150, inclusive, shall be payable.

Sec. 26. Subsection (b) of section 5-158b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) The sum to be paid to the retirement system by a state employee under subsection (a) of this section shall be without interest and may

474 be made in accordance with a payment schedule as may be established  
475 by the State Employees Retirement Commission.

476 Sec. 27. Subsection (f) of section 5-160 of the general statutes is  
477 repealed and the following is substituted in lieu thereof (*Effective from*  
478 *passage*):

479 (f) A temporary, emergency or provisional employee may elect to  
480 become a member, effective on the first day of the pay period  
481 following the date his election is received by the Retirement  
482 Commission. At any time not later than the date six months after his  
483 membership becomes mandatory under subsection (a) or (d) of this  
484 section, such employee may elect to make retirement contributions for  
485 his salary received during the period, not in excess of twelve months,  
486 prior to the effective date of his membership, without interest. Such  
487 contributions shall be paid within six months after his membership  
488 becomes mandatory.

489 Sec. 28. Subsection (e) of section 5-161 of the general statutes is  
490 repealed and the following is substituted in lieu thereof (*Effective from*  
491 *passage*):

492 (e) Except as provided in subsection (c) of section 5-180, [(c),] a  
493 member absent from state service without pay shall make no  
494 contributions during his absence.

495 Sec. 29. Subsection (d) of section 5-164 of the general statutes is  
496 repealed and the following is substituted in lieu thereof (*Effective from*  
497 *passage*):

498 (d) A duly appointed and acting messenger or assistant messenger  
499 of any constituent court of the Judicial Department who has reached  
500 his retirement date may be reemployed, pursuant to section 51-78, in  
501 the service of the court in which he has been a messenger at the salary  
502 paid him at the time of his retirement. Such reemployment shall  
503 continue until such time as the judges of said court terminate the same.  
504 Subsection (b) [above] of this section does not apply to any such



505 messenger.

506 Sec. 30. Subsection (d) of section 5-164a of the general statutes is  
507 repealed and the following is substituted in lieu thereof (*Effective from*  
508 *passage*):

509 (d) Upon the subsequent retirement of a member who has made an  
510 election under subsection (a) of this section, or upon the expiration of  
511 the term of office of a member of the General Assembly who has made  
512 an election under subsection (b) of this section, his retirement income  
513 shall be recomputed on the basis of his total period of credited state  
514 service, excluding any period for which a retirement salary was paid  
515 under subdivision (1) or (2) of subsection (c) of this section, and with  
516 his base salary recomputed on the basis of his three highest-paid years  
517 of his total state service.

518 Sec. 31. Subsection (b) of section 5-165 of the general statutes is  
519 repealed and the following is substituted in lieu thereof (*Effective from*  
520 *passage*):

521 (b) Notwithstanding the provisions of subsection (a) of this section,  
522 a temporary minimum shall apply whenever the Retirement  
523 Commission adopts revised factors which could result in a smaller  
524 benefit to a member than would have been payable under the  
525 previously existing factors. Such minimum shall be determined as  
526 follows: (1) The benefit the member had earned as of the date of the  
527 change in factors shall be calculated, based on his final earnings and  
528 service as of that date; (2) any early retirement reduction in such  
529 benefit shall be based upon his age, as determined on the date benefits  
530 will commence, and his type of retirement; and (3) the option factor  
531 shall be determined utilizing the factors in effect prior to such change,  
532 but based on appropriate ages as of the date benefits will commence. If  
533 such minimum results in a larger benefit, the larger benefit shall be  
534 payable.

535 Sec. 32. Section 5-166 of the general statutes is repealed and the  
536 following is substituted in lieu thereof (*Effective from passage*):

537 (a) Except as provided in section 5-163a, a member who leaves state  
538 service before he is eligible for retirement but after completing at least  
539 ten years of state service, of which at least five years shall have  
540 immediately preceded the date of his leaving state service, shall  
541 continue to be a member, and shall be eligible for a retirement income  
542 as provided in section 5-162, but on a reduced actuarial basis as  
543 determined by the Retirement Commission, upon reaching his fifty-  
544 fifth birthday. Such vested retirement income shall not be subject to  
545 divestiture by subsequent employment unless the member withdraws  
546 his retirement contribution.

547 (b) (1) A member who leaves state service before he is eligible for  
548 retirement may elect to withdraw all of his retirement contributions,  
549 without interest, in lieu of any other benefits under this chapter. (2)  
550 Notwithstanding the provisions of subdivision (1) of this subsection, if  
551 such departure from state service or withdrawal of contributions  
552 occurs on or after October 1, 1982, the withdrawal of contributions  
553 shall include interest credited from January 1, 1982, or the first July  
554 first following the date of actual contribution, whichever is later, to the  
555 July first coincident with or preceding the date the employee leaves  
556 state service or withdraws contributions, whichever is later. Such  
557 interest shall be credited at the rate of five per cent per year. In  
558 addition, for the partial year during which the employee leaves state  
559 service or withdraws contributions, interest shall be credited at the rate  
560 of five-twelfths of one per cent multiplied by the full number of  
561 months completed during that year, such interest rate to be applied to  
562 the value of contributions as of the first day of that year. A member  
563 who so leaves before completing the service requirements of  
564 subsection (a) of this section and without so electing shall be  
565 conclusively presumed to have made such an election if he is not  
566 reemployed by the state within five years; provided, if such member  
567 has not requested such withdrawal within ten years after he left state  
568 service, or if his contributions are less than ten dollars and such  
569 election is not made within six months after he leaves state service, his  
570 contributions shall revert to the retirement fund. At any time

571 thereafter, upon application by the member, his contributions plus  
572 credited interest, if any, may be withdrawn and paid to him.

573 (c) Retroactive Social Security taxes deducted from contributions  
574 previously made by a member because of the retroactive effective date  
575 of the Social Security Agreement shall be excluded in determining the  
576 amount of any payment under subsection (b) of this section.

577 (d) A member who leaves state service before he is eligible for  
578 retirement and before completing the service requirement of  
579 subsection (a) of this section shall thereupon lose his status as a  
580 member.

581 (e) A member who is eligible for retirement when he leaves state  
582 service may not elect to withdraw his retirement contributions in lieu  
583 of receiving retirement income payments at such time as they are  
584 payable, provided any such member who is eligible to participate in or  
585 is a participating member of the Connecticut teachers' retirement  
586 system may elect to have transferred to such system his contributions  
587 and earned interest in the state employees retirement system for credit  
588 pursuant to the requirements of the teachers' retirement system.

589 Sec. 33. Subsections (a) and (b) of section 5-167 of the general  
590 statutes are repealed and the following is substituted in lieu thereof  
591 (*Effective from passage*):

592 (a) A former member who withdrew his retirement contributions  
593 and who is reemployed in state service within five years after he left  
594 state service, or who is reemployed and due to such reemployment is  
595 covered by the provisions of the tier I plan as determined under  
596 subsection (a) of section 5-192e, may elect to return his withdrawn  
597 contributions and interest paid on such contributions to the state, with  
598 interest as provided in subsection (c) [below] of this section. Service  
599 can be restored only if payments commence within two years after  
600 reemployment or on or before January 1, 1985, if later.

601 (b) A member who was in state service before September 1, 1939,

602 but did not become a member before September 1, 1941, may elect to  
603 make retirement contributions in the amount which would have been  
604 due from him from September 1, 1939, to the date of his election, had  
605 he been a member throughout this period, with interest as provided in  
606 subsection (c) [below] of this section.

607 Sec. 34. Subsection (h) of section 5-169 of the general statutes is  
608 repealed and the following is substituted in lieu thereof (*Effective from*  
609 *passage*):

610 (h) As of each anniversary date, as defined in section 5-162d, of such  
611 retired employee, the benefits provided under this section shall be  
612 subject to the following adjustments: (1) The benefits provided in  
613 subsections (a) and (b) of this section shall be subject to the increase  
614 provided in section 5-162d or [section] 5-162h, whichever is  
615 appropriate; (2) the net maximum benefit provided in subdivision (2)  
616 of subsection (g) of this section shall be subject to the increase  
617 provided in section 5-162d or [section] 5-162h, whichever is  
618 appropriate; (3) this subdivision shall apply only to the maximum  
619 benefit provided in subdivision (1) of subsection (g) of this section  
620 which shall only be considered if the member had outside earned  
621 salary or wages. The salary as described in subdivision (1) of  
622 subsection (g) of this section shall be increased by the percentage  
623 compensation increase that would have applied to an employee in the  
624 position and "step" of the member, at the date of disability had that  
625 employee continued to be employed and continued automatic  
626 progression to the maximum "step" for his classification. On the date of  
627 recomputation of benefits, the offsets for workers' compensation and  
628 federal Social Security shall be increased by that same percentage or  
629 the percentage increase granted under the cost-of-living provision of  
630 the Workers' Compensation Act and the Social Security Act  
631 respectively, whichever is less. This offset amount shall be adjusted to  
632 reflect any change in these benefits other than those resulting from the  
633 cost-of-living provisions of the Workers' Compensation Act or the  
634 Social Security Act. In no case shall the offset be greater than the actual  
635 benefits paid. Outside earned salary or wages shall reflect actual

636 amounts earned during the preceding calendar year. In no event shall  
637 the application of this subdivision and subdivision (1) of subsection (g)  
638 of this section result in an income from all sources that would be less  
639 than the income that would have been paid had the member remained  
640 in service and progressed to the maximum "step" for his classification;  
641 (4) except as specifically indicated in subdivision (3) of this subsection,  
642 the maximum disability income determined under subsection (g) of  
643 this section will not be affected, when the workers' compensation  
644 benefits or the Social Security benefits are increased by cost-of-living  
645 provisions in the Workers' Compensation Act or the Social Security  
646 Act; (5) the maximum disability income under subdivision (2) of  
647 subsection (g) of this section will be recalculated if either the workers'  
648 compensation benefits or the Social Security benefits are decreased or  
649 discontinued. Any such recalculated maximum shall not reflect any  
650 increases arising after the initial application of the offset because of the  
651 cost-of-living provisions in the Workers' Compensation Act or the  
652 Social Security Act, except as specifically indicated in subdivision (3) of  
653 this subsection.

654 Sec. 35. Subsection (b) of section 5-170 of the general statutes is  
655 repealed and the following is substituted in lieu thereof (*Effective from*  
656 *passage*):

657 (b) Retirement income payments made to a member receiving  
658 disability payments and necessary medical and hospital expenses  
659 under the provisions of the Workers' Compensation Act, as set forth in  
660 chapter 568, shall be reduced for any period for which such disability  
661 payments are being made or have been made, except as provided in  
662 subsection (c) [below] of this section. The amount of each reduced  
663 retirement income payment shall be determined in accordance with  
664 section 5-169. Unless the Retirement Commission has waived the  
665 overpayment in accordance with section 5-156c, in any case in which a  
666 member has received retirement income payments in excess of his  
667 entitlement under this subsection, the Comptroller shall act to recover  
668 such overpayments by any appropriate means, including (1)  
669 withholding such sums from future retirement income payments in

670 accordance with regulations to be adopted by the Retirement  
671 Commission in accordance with the provisions of chapter 54, and (2)  
672 petitioning the workers' compensation commissioner having  
673 jurisdiction of the member's workers' compensation claim for an order  
674 reducing the member's workers' compensation award by the amount  
675 of such overpayment. The commissioner may enter such order  
676 notwithstanding the provisions of section 31-320.

677 Sec. 36. Subsection (n) of section 5-200 of the general statutes is  
678 repealed and the following is substituted in lieu thereof (*Effective from*  
679 *passage*):

680 (n) Any interested employee [.] or his representative or any  
681 appointing authority may submit to the commissioner written data,  
682 views [.] or arguments or a request for a hearing in regard to specified  
683 position classifications or allocation of a class of positions to the  
684 compensation schedule. Within two months after the commissioner  
685 shall have received such data, views or arguments or shall have held  
686 any requested hearing, he shall forward to such employee,  
687 representative or appointing authority his written decision thereon,  
688 together with all written materials submitted to him by the interested  
689 employee or his representative and such other information as he  
690 considers appropriate.

691 Sec. 37. Subsection (a) of section 7-34a of the general statutes is  
692 repealed and the following is substituted in lieu thereof (*Effective from*  
693 *passage*):

694 (a) Town clerks shall receive, for recording any document, ten  
695 dollars for the first page and five dollars for each subsequent page or  
696 fractional part thereof, a page being not more than eight and one-half  
697 by fourteen inches. Town clerks shall receive, for recording the  
698 information contained in a certificate of registration for the practice of  
699 any of the healing arts, five dollars. Town clerks shall receive, for  
700 recording documents conforming to, or substantially similar to, section  
701 47-36c, which are clearly entitled "statutory form" in the heading of

702 such documents, as follows: For the first page of a warranty deed, a  
703 quitclaim deed, a mortgage deed, or an assignment of mortgage, ten  
704 dollars; for each additional page of such documents, five dollars; and  
705 for each marginal notation of an assignment of mortgage, subsequent  
706 to the first two assignments, one dollar. Town clerks shall receive, for  
707 recording any document with respect to which certain data must be  
708 submitted by each town clerk to the [Commissioner of Revenue  
709 Services] Secretary of the Office of Policy and Management in  
710 accordance with section 10-261b, the sum of two dollars in addition to  
711 the recording fee. Any person who offers any written document for  
712 recording in the office of any town clerk, which document fails to have  
713 legibly typed, printed or stamped directly beneath the signatures the  
714 names of the persons who executed such document, the names of any  
715 witnesses thereto and the name of the officer before whom the same  
716 was acknowledged, shall pay one dollar in addition to the regular fee.  
717 Town clerks shall receive, for recording any deed, except a mortgage  
718 deed, conveying title to real estate, which deed does not contain the  
719 current mailing address of the grantee, the sum of five dollars in  
720 addition to the regular recording fee. Town clerks shall receive, for  
721 filing any document, five dollars; [.] for receiving and keeping a survey  
722 or map, legally filed in the town clerk's office, five dollars; and for  
723 indexing such survey or map, in accordance with section 7-32, five  
724 dollars, except with respect to indexing any such survey or map  
725 pertaining to a subdivision of land as defined in section 8-18, in which  
726 event town clerks shall receive fifteen dollars for each such indexing.  
727 Town clerks shall receive, for a copy of any document either recorded  
728 or filed in their offices, one dollar for each page or fractional part  
729 thereof, as the case may be; for certifying any copy of the same, one  
730 dollar; [.] for making a copy of any survey or map, the actual cost  
731 thereof; and for certifying such copy of a survey or map, one dollar.  
732 Town clerks shall receive, for recording the commission and oath of a  
733 notary public, ten dollars; and for certifying under seal to the official  
734 character of a notary, two dollars.

735 Sec. 38. Section 7-69 of the general statutes is repealed and the

736 following is substituted in lieu thereof (*Effective from passage*):

737       No person except a licensed embalmer or funeral director licensed  
738 by the department, or licensed in a state having a reciprocal agreement  
739 on file with the department and complying with the terms of such  
740 agreement, shall remove the body of a deceased person, except that  
741 once [a dead body] the body of a deceased person has been embalmed  
742 or prepared in accordance with the Public Health Code and applicable  
743 provisions of the general statutes, a licensed embalmer or funeral  
744 director may authorize an unlicensed employee to transport such  
745 body. No person except a licensed embalmer or funeral director  
746 licensed by the department, or licensed in a state having a reciprocal  
747 agreement on file with the department, shall remove the body of any  
748 deceased person from this state to another state until a burial transit  
749 removal permit has been issued in accordance with section 7-65. No  
750 burial transit removal permit shall be issued unless the death  
751 certificate has been signed by a licensed embalmer or funeral director  
752 licensed by the department, or licensed in a state having a reciprocal  
753 agreement on file with the department and complying with the terms  
754 of such agreement. In the case of a deceased person who, at the time of  
755 death, had a communicable disease specified by the Public Health  
756 Code, the permit shall certify that the body was prepared in  
757 accordance with the regulations of the Public Health Code. Such  
758 permit shall be sufficient to permit the burial of such deceased person  
759 in any town in this state other than the town in which such person  
760 died, without a burial permit from the registrar of the town where  
761 such person is to be buried. If the body of a deceased person is brought  
762 into the state for burial and is accompanied by a burial transit removal  
763 permit issued by the legally constituted authorities of the state from  
764 which [it] such body was brought, such permit shall be received as  
765 sufficient authority for burial; [but] except that, if [it] such body is not  
766 accompanied by such permit, [then] the person or persons in charge of  
767 [it] such body shall apply for a burial permit to the registrar of vital  
768 statistics of the town in which [it] such body is to be buried, and such  
769 registrar shall issue such permit when furnished with such information



770 as to the identity of the deceased person and the cause of death as is  
771 required by section 7-62b concerning a person dying in this state. Any  
772 person who violates any provision of this section, or who knowingly  
773 signs a false permit or knowingly allows a false permit to be used in  
774 lieu of a permit required by this section, shall be fined not more than  
775 five hundred dollars or imprisoned not more than six months, or both.

776 Sec. 39. Section 7-137c of the general statutes is repealed and the  
777 following is substituted in lieu thereof (*Effective from passage*):

778 Any municipality may appropriate funds to extend or cause to have  
779 extended water mains (1) into areas to be used for industrial or  
780 commercial purposes or partly for industrial or commercial purposes  
781 and partly for residential purposes, or (2) into residential areas or into  
782 areas zoned for residential use. Notwithstanding the provisions of any  
783 special act, the municipality may pay the cost of such extension or may  
784 require each owner of property which abuts any such main to  
785 reimburse the municipality such owner's proportionate share of the  
786 cost of such extension at such time and by such rule as the  
787 municipality by ordinance determines. Whenever the municipality and  
788 the Commissioner of Environmental Protection may concur in  
789 determining the need for such extension in response to a community  
790 pollution problem, as defined [by] in section 22a-423, or in response to  
791 a bacterial contamination problem, the municipality may waive any  
792 such reimbursement to the municipality. In the case of land zoned for  
793 other than commercial or industrial purposes or classified, pursuant to  
794 sections 12-107a to 12-107e, inclusive, as farm land, forest land or open  
795 space land, on the last-completed grand list of the municipality in  
796 which such land is located, which exceeds by more than one hundred  
797 per cent the size of the smallest lot permitted in the lowest density  
798 residential zone allowed under zoning regulations, or in the case of a  
799 town having no zoning regulations, a lot size of one acre in area and  
800 one hundred fifty feet in frontage, assessment of such excess land shall  
801 be deferred until such time as such excess land shall be built upon or a  
802 building permit issued therefor or until approval of a subdivision plan  
803 of such excess property by the planning commission having

804 jurisdiction, whichever event occurs first, at which time assessment  
805 may be made as [herein] provided in this section. The municipality  
806 shall place a caveat on the land records in each instance where an  
807 assessment is deferred. Such share shall represent a reasonable  
808 proportion of the total cost of such water mains, including materials,  
809 installation, pumping stations, service connections, curb, sidewalk and  
810 highway repairs and the cost of installation of gate-valves or shutoffs,  
811 if any; except that, if residential or agricultural property or property  
812 zoned for residential or agricultural use abuts lines of construction of  
813 water mains to be used for industrial or commercial purposes or partly  
814 for industrial or commercial purposes, and such property is not being  
815 used for such purposes, the proportionate share of the owners of such  
816 property shall be computed on a front-foot or other equitable basis for  
817 a standard or minimum size main. Such shares shall be proportioned  
818 in such a way as to ultimately leave the municipality free of any of the  
819 cost of the extension of the water main and expenses incidental thereto,  
820 except where any portion of such water service is to be used for a  
821 municipal purpose in which instance the municipality shall contribute  
822 a fair proportion of the expense representing such proportionate  
823 municipal share. Within sixty days of an assessment under this section,  
824 the owner of any property so assessed may appeal to the superior  
825 court for the judicial district within which such land is situated from  
826 the valuation of his assessment, by service of process made in  
827 accordance with the provisions of section [52-67] 52-57. Such appeal  
828 shall be a privileged case and shall not stay any proceeding under this  
829 section. The court shall have the power to grant such relief as to justice  
830 and equity appertains, upon such terms and in such manner and form  
831 as appears equitable.

832 Sec. 40. Section 7-148b of the general statutes is repealed and the  
833 following is substituted in lieu thereof (*Effective from passage*):

834 (a) Except as provided in subsection (c) of this section, any town,  
835 city or borough may, through its legislative body, create a fair rent  
836 commission to make studies and investigations, conduct hearings and  
837 receive complaints relative to rental charges on housing

838 accommodations, except those accommodations rented on a seasonal  
839 basis, within its jurisdiction, which term shall include mobile  
840 manufactured homes and mobile manufactured home park lots, in  
841 order to control and eliminate excessive rental charges on such  
842 accommodations, and to carry out the provisions of sections 7-148b to  
843 7-148f, inclusive, section 47a-20 and subsection (b) of section 47a-23c.  
844 The commission, for such purposes, may compel the attendance of  
845 persons at hearings, issue subpoenas and administer oaths, issue  
846 orders and continue, review, amend, terminate or suspend any of its  
847 orders and decisions. The commission may be empowered to retain  
848 legal counsel to advise it.

849 (b) For purposes of subsection (a) of this section, "seasonal basis"  
850 means housing accommodations rented for a period or periods  
851 aggregating not more than one hundred twenty days in any one  
852 calendar year.

853 (c) Any town, city or borough in which the number of renter-  
854 occupied dwelling units is greater than five thousand, as determined  
855 by the most recent decennial census, and which does not have a fair  
856 rent commission on October 1, 1989, shall, on or before June 1, 1990,  
857 conduct a public hearing or public hearings and decide by majority  
858 vote of its legislative body whether to create a fair rent commission as  
859 provided in subsection (a) of this section. Any such town, city or  
860 borough which fails to act pursuant to the requirements of this  
861 subsection shall, not later than June 1, 1991, create such fair rent  
862 commission.

863 (d) Any two or more towns, cities or boroughs not subject to the  
864 requirements of subsection (c) of this section may, through their  
865 legislative bodies, create a joint fair rent commission.

866 Sec. 41. Section 7-294a of the general statutes is repealed and the  
867 following is substituted in lieu thereof (*Effective from passage*):

868 As used in this section and sections 7-294b to 7-294e, inclusive,  
869 "academy" means the Connecticut Police Academy; "applicant" means

870 a prospective police officer who has not commenced employment or  
871 service with a law enforcement unit; "basic training" means the  
872 minimum basic law enforcement training received by a police officer at  
873 the academy or at any other certified law enforcement training  
874 academy; "certification" means the issuance by the Police Officer  
875 Standards and Training Council to a police officer, police training  
876 school or [to a] law enforcement instructor of a signed instrument  
877 evidencing satisfaction of the certification requirements imposed by  
878 section 7-294d, and signed by the council; "council" means the Police  
879 Officer Standards and Training Council; "Governor" includes any  
880 person performing the functions of the Governor by authority of the  
881 law of this state; "review training" means training received after  
882 minimum basic law enforcement training; "law enforcement unit"  
883 means any agency, organ or department of this state or a subdivision  
884 or municipality thereof, whose primary functions include the  
885 enforcement of criminal or traffic laws, the preservation of public  
886 order, the protection of life and property, or the prevention, detection  
887 or investigation of crime; "police officer" means a sworn member of an  
888 organized local police department, an appointed constable who  
889 performs criminal law enforcement duties, a special policeman  
890 appointed under section 29-18, 29-18a or 29-19 or any member of a law  
891 enforcement unit who performs police duties; "probationary  
892 candidate" means a police officer who, having satisfied  
893 preemployment requirements, has commenced employment with a  
894 law enforcement unit but who has not satisfied the training  
895 requirements provided for in section 7-294d; and "school" means any  
896 school, college, university, academy or training program approved by  
897 the council which offers law enforcement training and includes a  
898 combination of a course curriculum, instructors and facilities.

899 Sec. 42. Subdivision (2) of subsection (b) of section 8-26a of the  
900 general statutes is repealed and the following is substituted in lieu  
901 thereof (*Effective from passage*):

902 (2) (A) Any construction on a vacant lot shown on a subdivision or  
903 resubdivision plan approved before, on or after June 1, 2004, shall not

904 be required to conform to a change in the zoning regulations or  
905 boundaries of zoning districts in a town, city or borough adopted after  
906 the approval of the subdivision or resubdivision. Notwithstanding  
907 subdivision (1) of this subsection, any construction on an improved lot  
908 shown on a subdivision or resubdivision plan approved before, on or  
909 after June 1, 2004, shall be required to conform to a zoning change  
910 adopted subsequent to said lot becoming an improved lot.

911 (B) For purposes of this subsection, (i) a lot shall be deemed vacant  
912 until the date a building permit is issued with respect thereto and a  
913 foundation has been completed in accordance with such building  
914 permit but shall not be deemed vacant if any structures on such lot are  
915 subsequently demolished, and (ii) a lot shall be deemed improved after  
916 the date a building permit is issued with respect thereto and a  
917 foundation has been completed in accordance with such building  
918 permit.

919 Sec. 43. Subsection (a) of section 8-208b of the general statutes is  
920 repealed and the following is substituted in lieu thereof (*Effective from*  
921 *passage*):

922 (a) A Neighborhood Housing Services Program Fund is hereby  
923 created. There shall be deposited in said fund all moneys received by  
924 or appropriated to the Department of Economic and Community  
925 Development from time to time therefor. Amounts in said fund shall  
926 be used for the purpose of making grants-in-aid to any duly organized  
927 neighborhood housing services corporation in the state, pursuant to  
928 subsection (b) of this section.

929 Sec. 44. Subsections (f) and (g) of section 8-218 of the general  
930 statutes are repealed and the following is substituted in lieu thereof  
931 (*Effective from passage*):

932 (f) The Commissioner of Economic and Community Development  
933 shall adopt regulations, in accordance with chapter 54, to administer  
934 the programs established under subsections (c) and (d) of this section.  
935 Such regulations shall establish maximum income levels for tenants

936 and homeowners and provide for adjustment of income for family size  
937 and medical expenses and may set maximum loan amounts for loans  
938 made under subsection (c) of this section that are not secured and for  
939 grants made under subsection (d) of this section.

940 (g) On and after the effective date of regulations adopted under  
941 section 8-437, the Commissioner of Economic and Community  
942 Development shall not accept any application for state financial  
943 assistance pursuant to this section except (1) an application by a  
944 community housing development corporation to establish or  
945 administer a loan fund under subsection (b) of this section, or (2) an  
946 application for a project or development not qualifying for financial  
947 assistance pursuant to section 8-433.

948 Sec. 45. Subsection (a) of section 8-219e of the general statutes is  
949 repealed and the following is substituted in lieu thereof (*Effective from*  
950 *passage*):

951 (a) The state, acting by and in the discretion of the Commissioner of  
952 Economic and Community Development, may enter into a contract  
953 with an eligible developer, as defined in section 8-39, a community  
954 housing development corporation, as defined in section 8-217, or any  
955 other person approved by the commissioner for state financial  
956 assistance in the form of a grant-in-aid, loan or deferred loan for  
957 technical assistance and the abatement of lead-based paint, asbestos  
958 and asbestos-containing material from a residential dwelling unit. In  
959 the case of a deferred loan, the contract shall require that payments on  
960 interest are due and payable but that payments on principal may be  
961 deferred to a time certain. Such grant-in-aid, loan or deferred loan, or  
962 combination thereof, shall not exceed the cost of such abatement,  
963 including expenses incurred in obtaining technical assistance for such  
964 abatement, and shall be awarded upon such terms and conditions as  
965 the commissioner may prescribe by regulations adopted pursuant to  
966 subsection (b) of this section.

967 Sec. 46. Subsection (a) of section 8-268 of the general statutes is

968 repealed and the following is substituted in lieu thereof (*Effective from*  
969 *passage*):

970 (a) Whenever a program or project undertaken by a state agency or  
971 under the supervision of a state agency will result in the displacement  
972 of any person on or after July 6, 1971, the head of such state agency  
973 shall make payment to any displaced person, upon proper application  
974 as approved by such agency head, for (1) actual reasonable expenses in  
975 moving himself, his family, business, farm operation or other personal  
976 property, [;] (2) actual direct losses of tangible personal property as a  
977 result of moving or discontinuing a business or farm operation, but not  
978 to exceed an amount equal to the reasonable expenses that would have  
979 been required to relocate such property, as determined by the state  
980 agency, and (3) actual reasonable expenses in searching for a  
981 replacement business or farm, provided, whenever any tenant in any  
982 dwelling unit is displaced as the result of the enforcement of any code  
983 to which this section is applicable by any town, city or borough or  
984 agency thereof, the landlord of such dwelling unit shall be liable for  
985 any payments made by such town, city or borough pursuant to this  
986 section or by the state pursuant to subsection (b) of section 8-280, and  
987 the town, city or borough or the state may place a lien on any real  
988 property owned by such landlord to secure repayment to the town,  
989 city or borough or the state of such payments, which lien shall have the  
990 same priority as and shall be filed, enforced and discharged in the  
991 same manner as a lien for municipal taxes under chapter 205.

992 Sec. 47. Section 9-323 of the general statutes is repealed and the  
993 following is substituted in lieu thereof (*Effective from passage*):

994 Any elector or candidate who claims that he is aggrieved by any  
995 ruling of any election official in connection with any election for  
996 presidential electors and for a senator in Congress and for  
997 representative in Congress or any of them, held in his town, or that  
998 there was a mistake in the count of the votes cast at such election for  
999 candidates for such electors, senator in Congress and representative in  
1000 Congress, or any of them, at any voting district in his town, or any

1001 candidate for such an office who claims that he is aggrieved by a  
 1002 violation of any provision of [sections] section 9-355, 9-357 to 9-361,  
 1003 inclusive, 9-364, 9-364a or 9-365 in the casting of absentee ballots at  
 1004 such election, may bring his complaint to any judge of the Supreme  
 1005 Court, in which he shall set out the claimed errors of such election  
 1006 official, the claimed errors in the count or the claimed violations of said  
 1007 sections. In any action brought pursuant to the provisions of this  
 1008 section, the complainant shall send a copy of the complaint by first-  
 1009 class mail, or deliver a copy of the complaint by hand, to the State  
 1010 Elections Enforcement Commission. If such complaint is made prior to  
 1011 such election, such judge shall proceed expeditiously to render  
 1012 judgment on the complaint and shall cause notice of the hearing to be  
 1013 given to the Secretary of the State and the State Elections Enforcement  
 1014 Commission. If such complaint is made subsequent to the election, it  
 1015 shall be brought within fourteen days of the election and such judge  
 1016 shall forthwith order a hearing to be had upon such complaint, upon a  
 1017 day not more than five [nor] or less than three days from the making of  
 1018 such order, and shall cause notice of not less than three [nor] or more  
 1019 than five days to be given to any candidate or candidates whose  
 1020 election may be affected by the decision upon such hearing, to such  
 1021 election official, to the Secretary of the State, to the State Elections  
 1022 Enforcement Commission and to any other party or parties whom  
 1023 such judge deems proper parties thereto, of the time and place for the  
 1024 hearing upon such complaint. Such judge, with two other judges of the  
 1025 Supreme Court to be designated by the Chief Court Administrator,  
 1026 shall, on the day fixed for such hearing and without unnecessary  
 1027 delay, proceed to hear the parties. If sufficient reason is shown, such  
 1028 judges may order any voting machines to be unlocked or any ballot  
 1029 boxes to be opened and a recount of the votes cast, including absentee  
 1030 ballots, to be made. Such judges shall thereupon, in the case they, or  
 1031 any two of them, find any error in the rulings of the election official,  
 1032 any mistake in the count of such votes or any violation of said sections,  
 1033 certify the result of their finding or decision, or the finding or decision  
 1034 of a majority of them, to the Secretary of the State before the first  
 1035 Monday after the second Wednesday in December. Such judges may



1036 order a new election or a change in the existing election schedule,  
 1037 provided such order complies with Section 302 of the Help America  
 1038 Vote Act, P.L. 107-252, as amended from time to time. Such certificate  
 1039 of such judges, or a majority of them, shall be final upon all questions  
 1040 relating to the rulings of such election officials, to the correctness of  
 1041 such count and, for the purposes of this section only, such claimed  
 1042 violations, and shall operate to correct the returns of the moderators or  
 1043 presiding officers so as to conform to such finding or decision.

1044 Sec. 48. Section 9-371b of the general statutes is repealed and the  
 1045 following is substituted in lieu thereof (*Effective from passage*):

1046 Any person (1) claiming to have been aggrieved by any ruling of  
 1047 any election official in connection with a referendum, (2) claiming that  
 1048 there has been a mistake in the count of votes cast for a referendum, or  
 1049 (3) claiming to be aggrieved by a violation of any provision of section  
 1050 9-355, 9-357 to 9-361, inclusive, 9-364, 9-364a or 9-365 in the casting of  
 1051 absentee ballots at a referendum, may bring a complaint to any judge  
 1052 of the Superior Court for relief from such ruling, mistake or violation.  
 1053 In any action brought pursuant to the provisions of this section, the  
 1054 complainant shall send a copy of the complaint by first class mail, or  
 1055 deliver a copy of the complaint by hand, to the State Elections  
 1056 Enforcement Commission. If such complaint is made prior to such  
 1057 referendum, such judge shall proceed expeditiously to render  
 1058 judgment on the complaint and shall cause notice of the hearing to be  
 1059 given to the Secretary of the State and the State Elections Enforcement  
 1060 Commission. If such complaint is made subsequent to such  
 1061 referendum, it shall be brought within thirty days after such  
 1062 referendum to any judge of the Superior Court, in which the person  
 1063 shall set out the claimed errors of the election official, the claimed  
 1064 errors in the count or the claimed violations of said sections. Such  
 1065 judge shall forthwith order a hearing to be held upon such complaint,  
 1066 upon a day not more than five [nor] or less than three days from the  
 1067 making of such order, and shall cause notice of not less than three  
 1068 [nor] or more than five days to be given to any person who may be  
 1069 affected by the decision upon such hearing, to such election official, the

1070 Secretary of the State, the State Elections Enforcement Commission and  
1071 to any other party or parties whom such judge deems proper parties to  
1072 the hearing, of the time and place for the hearing upon such complaint.  
1073 Such judge shall, on the day fixed for such hearing and without  
1074 unnecessary delay, proceed to hear the parties. If sufficient reason is  
1075 shown, such judge may order any voting machines to be unlocked or  
1076 any ballot boxes to be opened and a recount of the votes cast, including  
1077 absentee ballots, to be made. Such judge shall, if such judge finds any  
1078 error in the rulings of the election official or any mistake in the count  
1079 of the votes, certify the result of such judge's finding or decision to the  
1080 Secretary of the State before the tenth day succeeding the conclusion of  
1081 the hearing. Such judge may order a new referendum or a change in  
1082 the existing referendum schedule. Such certificate of such judge's  
1083 finding or decision shall be final and conclusive upon all questions  
1084 relating to errors in the ruling of such election officials, to the  
1085 correctness of such count, and, for the purposes of this section only,  
1086 such claimed violations, and shall operate to correct the returns of the  
1087 moderators or presiding officers, so as to conform to such finding or  
1088 decision, except that this section shall not affect the right of appeal to  
1089 the Supreme Court and it shall not prevent such judge from reserving  
1090 such questions of law for the advice of the Supreme Court as provided  
1091 in section 9-325. Such judge may, if necessary, issue a writ of  
1092 mandamus, requiring the adverse party and those under such judge to  
1093 deliver to the complainant the appurtenances of such office, and shall  
1094 cause such judge's finding and decree to be entered on the records of  
1095 the Superior Court in the proper judicial district.

1096 Sec. 49. Subdivision (1) of subsection (k) of section 10-145b of the  
1097 general statutes is repealed and the following is substituted in lieu  
1098 thereof (*Effective from passage*):

1099 (k) (1) Unless otherwise provided in regulations adopted under  
1100 section 10-145d, in not less than three years [nor] or more than eight  
1101 years after the issuance of a provisional educator certificate pursuant  
1102 to subsection (g) of this section and upon the statement of the  
1103 superintendent in whose school district such certificate holder was

1104 employed, or the supervisory agent of a nonpublic school approved by  
1105 the State Board of Education, in whose school such certificate holder  
1106 was employed, that the provisional educator certificate holder and  
1107 such superintendent or supervisory agent have mutually determined  
1108 or approved an individual program pursuant to subdivision (2) of  
1109 subsection (j) of this section and upon the statement of such  
1110 superintendent or supervisory agent that such certificate holder has a  
1111 record of competency in the discharge of such certificate holder's  
1112 duties during such provisional period, the state board upon receipt of  
1113 a proper application shall issue such certificate holder a professional  
1114 educator certificate. A signed recommendation from the  
1115 superintendent of schools, or the superintendent's designee, for the  
1116 local or regional board of education or from the supervisory agent of a  
1117 nonpublic school approved by the State Board of Education shall be  
1118 evidence of competency. Such recommendation shall state that the  
1119 person who holds or has held a provisional educator certificate has  
1120 successfully completed at least three school years of satisfactory  
1121 teaching for one or more local or regional boards of education or such  
1122 nonpublic schools. Each applicant for a certificate pursuant to this  
1123 subsection shall provide to the Department of Education, in such  
1124 manner and form as prescribed by the commissioner, evidence that the  
1125 applicant has successfully completed coursework pursuant to  
1126 subsection (h) or (j) of this section, as appropriate.

1127 Sec. 50. Subsection (d) of section 10a-185 of the general statutes is  
1128 repealed and the following is substituted in lieu thereof (*Effective from*  
1129 *passage*):

1130 (d) Any resolution or resolutions authorizing any bonds or any  
1131 issue of bonds may contain provisions, which shall be a part of the  
1132 contract with the holders of the bonds to be authorized, as to: (1)  
1133 Pledging the full faith and credit of the authority, the full faith and  
1134 credit of a participating institution for higher education, a participating  
1135 health care institution, a participating corporation or of a participating  
1136 nursing home, all or any part of the revenues of a project or any  
1137 revenue-producing contract or contracts made by the authority with

1138 any individual, partnership, corporation or association or other body,  
1139 public or private, any federally guaranteed security and moneys  
1140 received therefrom purchased with bond proceeds or any other  
1141 property, revenues, funds or legally available moneys to secure the  
1142 payment of the bonds or of any particular issue of bonds, subject to  
1143 such agreements with bondholders as may then exist; (2) the rentals,  
1144 fees and other charges to be charged, and the amounts to be raised in  
1145 each year thereby, and the use and disposition of the revenues; (3) the  
1146 setting aside of reserves or sinking funds, and the regulation and  
1147 disposition thereof; (4) limitations on the right of the authority or its  
1148 agent to restrict and regulate the use of the project; (5) the purpose and  
1149 limitations to which the proceeds of sale of any issue of bonds then or  
1150 thereafter to be issued may be applied, including as authorized  
1151 purposes, all costs and expenses necessary or incidental to the issuance  
1152 of bonds, to the acquisition of or commitment to acquire any federally  
1153 guaranteed security and to the issuance and obtaining of any federally  
1154 insured mortgage note, and pledging such proceeds to secure the  
1155 payment of the bonds or any issue of the bonds; (6) limitations on the  
1156 issuance of additional bonds, the terms upon which additional bonds  
1157 may be issued and secured and the refunding of outstanding bonds;  
1158 (7) the procedure, if any, by which the terms of any contract with  
1159 bondholders may be amended or abrogated, the amount of bonds the  
1160 holders of which must consent thereto, and the manner in which such  
1161 consent may be given; (8) limitations on the amount of moneys derived  
1162 from the project to be expended for operating, administrative or other  
1163 expenses of the authority; (9) defining the acts or omissions to act  
1164 which shall constitute a default in the duties of the authority to holders  
1165 of its obligations and providing the rights and remedies of such  
1166 holders in the event of a default; [J] and (10) the mortgaging of a  
1167 project and the site thereof for the purpose of securing the  
1168 bondholders.

1169 Sec. 51. Subsection (c) of section 12-81r of the general statutes is  
1170 repealed and the following is substituted in lieu thereof (*Effective from*  
1171 *passage*):

1172 (c) A municipality shall notify the Commissioner of Environmental  
1173 Protection, the Commissioner of Economic and Community  
1174 Development and the Secretary of the Office of Policy and  
1175 Management not later than thirty days after granting any abatement or  
1176 forgiveness of taxes under subsection (a) of this section. Such notice  
1177 shall provide the owner or purchaser's name, as the case may be, and  
1178 the address of the property.

1179 Sec. 52. Subsection (f) of section 12-285c of the general statutes is  
1180 repealed and the following is substituted in lieu thereof (*Effective from*  
1181 *passage*):

1182 (f) The Commissioner of Revenue Services may impose a civil  
1183 penalty of not more than five thousand dollars for each violation of  
1184 this section. For purposes of this subsection, each shipment or  
1185 transport of cigarettes shall constitute a separate violation. The  
1186 Attorney General, upon request of the commissioner, may bring an  
1187 action in the superior court for the judicial district of Hartford to  
1188 collect such [fine] civil penalty and for any injunctive or equitable  
1189 relief. In any action brought by the Attorney General to enforce the  
1190 provisions of section 12-285b or this section, the state shall be entitled  
1191 to recover, when it is the prevailing party, the costs of investigation,  
1192 expert witness fees, costs of the action, and reasonable attorneys' fees.

1193 Sec. 53. Subparagraph (A) of subdivision (82) of section 12-412 of the  
1194 general statutes is repealed and the following is substituted in lieu  
1195 thereof (*Effective from passage*):

1196 (A) The sale of and the storage, use or other consumption of any  
1197 commercial motor vehicle<sub>2</sub> as defined in subparagraphs (A) and (B) of  
1198 subdivision (13) of subsection (a) of section 14-1, that is operating  
1199 pursuant to the provisions of section 13b-88 or 13b-89, during the  
1200 period commencing upon its purchase and ending one year after the  
1201 date of purchase<sub>2</sub> provided seventy-five per cent of its revenue from its  
1202 days in service is derived from out-of-state trips or trips crossing state  
1203 lines.

1204 Sec. 54. Subsection (b) of section 12-574c of the general statutes is  
1205 repealed and the following is substituted in lieu thereof (*Effective from*  
1206 *passage*):

1207 (b) Notwithstanding the provisions of subsection (a) of this section,  
1208 the division or the board may renew any license issued prior to May  
1209 23, 1979, or issue such a license to a currently operating facility.

1210 Sec. 55. Subsection (e) of section 14-36a of the general statutes is  
1211 repealed and the following is substituted in lieu thereof (*Effective from*  
1212 *passage*):

1213 (e) Any person who violates any provision of subsection (d) of this  
1214 section shall, for a first offense, be deemed to have committed an  
1215 infraction and be fined not less than thirty-five dollars [nor] or more  
1216 than fifty dollars and, for a subsequent offense, shall be fined not more  
1217 than one hundred dollars or imprisoned not more than thirty days, or  
1218 both.

1219 Sec. 56. Subdivision (2) of subsection (g) of section 14-44j of the  
1220 general statutes is repealed and the following is substituted in lieu  
1221 thereof (*Effective from passage*):

1222 (2) Any employer which knowingly permits or requires a driver to  
1223 operate a commercial motor vehicle in violation of an out-of-service  
1224 order shall be subject to a civil penalty of not less than two thousand  
1225 seven hundred fifty dollars [nor] or more than eleven thousand  
1226 dollars.

1227 Sec. 57. Subsection (i) of section 14-44k of the general statutes is  
1228 repealed and the following is substituted in lieu thereof (*Effective from*  
1229 *passage*):

1230 (i) (1) Except as provided in subdivision (2) of this subsection, any  
1231 person who violates an out-of-service order shall be disqualified from  
1232 operating a commercial motor vehicle: (A) For a period of not less than  
1233 ninety days [nor] or more than one year for a first violation; (B) for a

1234 period of not less than one year [nor] or more than five years for a  
1235 second violation during any ten-year period, where such violations  
1236 arose from separate incidents; and (C) for a period of not less than  
1237 three years [nor] or more than five years for a third or subsequent  
1238 violation during any ten-year period, where such violations arose from  
1239 separate incidents.

1240 (2) Any person who violates an out-of-service order while driving a  
1241 vehicle transporting hazardous materials, required to be placarded  
1242 under the Hazardous Materials Transportation Act, 49 USC 1801 to  
1243 1813, inclusive, or a commercial motor vehicle designed to transport  
1244 sixteen or more passengers, including the driver, shall be disqualified  
1245 from operating a commercial motor vehicle: (A) For a period of not less  
1246 than one hundred eighty days [nor] or more than two years for a first  
1247 violation, and (B) for a period of not less than three years [nor] or more  
1248 than five years for a second or subsequent violation during any ten-  
1249 year period, where such violations arose from separate incidents.

1250 (3) In addition to the penalties provided in subdivision (1) or (2) of  
1251 this subsection, any person who violates an out-of-service order shall  
1252 be subject to a civil penalty of not less than one thousand one hundred  
1253 dollars [nor] or more than two thousand seven hundred fifty dollars.

1254 Sec. 58. Subsection (b) of section 14-96a of the general statutes is  
1255 repealed and the following is substituted in lieu thereof (*Effective from*  
1256 *passage*):

1257 (b) Whenever in said sections any requirement is declared as to  
1258 distance from which certain lamps and devices shall render objects  
1259 visible or within which such lamps or devices shall be visible, such  
1260 requirement shall apply during the times stated in subsection (a) of  
1261 this section in respect to a vehicle without load when upon a straight,  
1262 level, unlighted highway under normal atmospheric conditions unless  
1263 a different time or condition is expressly stated.

1264 Sec. 59. Subsection (b) of section 14-196 of the general statutes is  
1265 repealed and the following is substituted in lieu thereof (*Effective from*

1266 *passage*):

1267 (b) A person who: (1) With fraudulent intent, permits another, not  
1268 entitled thereto, to use or have possession of a certificate of title; (2)  
1269 wilfully fails to mail or deliver a certificate of title or application  
1270 therefor to the commissioner within ten days after the time required by  
1271 this chapter; (3) wilfully fails to deliver to his transferee a certificate of  
1272 title within ten days after the time required by this chapter; or (4)  
1273 wilfully violates any provision of this chapter, except as provided in  
1274 subsection (a) of this section, shall be fined not more than one  
1275 thousand dollars or imprisoned not more than two years, or both.

1276 Sec. 60. Section 14-223a of the general statutes is repealed and the  
1277 following is substituted in lieu thereof (*Effective from passage*):

1278 Any operator of a motor vehicle who strikes any officer, as defined  
1279 in section 14-1, or any fire police officer, appointed in accordance with  
1280 section 7-313a, with such motor vehicle while such officer or fire police  
1281 officer is engaged in traffic control or regulation, provided such officer  
1282 is in uniform or prominently displaying the badge of his office [.] and  
1283 such fire police officer is in compliance with the provisions of section  
1284 7-313a, [such operator] shall be deemed to have committed an  
1285 infraction and shall be fined not less than one hundred fifty dollars  
1286 [nor] or more than two hundred dollars and, for a subsequent offense,  
1287 shall be fined not more than two hundred fifty dollars or imprisoned  
1288 not more than thirty days, or both.

1289 Sec. 61. Subsection (a) of section 14-250 of the general statutes is  
1290 repealed and the following is substituted in lieu thereof (*Effective from*  
1291 *passage*):

1292 (a) The operator of each commercial motor vehicle transporting  
1293 passengers, service bus or [of each] motor vehicle used for the  
1294 transportation of school children and the operator of each commercial  
1295 motor vehicle with a cargo tank or carrying hazardous materials, as  
1296 defined in section 14-1, whether loaded or empty, before crossing at  
1297 grade any track or tracks of a railroad, shall stop such vehicle not less



1298 than fifteen feet [nor] or more than fifty feet from the nearest rail of  
1299 such track, and, while so stopped, shall listen and look in each  
1300 direction along such track or tracks for approaching locomotives or  
1301 trains before crossing such track or tracks; and such operator shall not,  
1302 in any event, cross such track or tracks when warned by automatic  
1303 signal, crossing gates, flagman, law enforcement officer or otherwise of  
1304 the approach of a railroad locomotive or train.

1305 Sec. 62. Subsection (d) of section 14-250 of the general statutes is  
1306 repealed and the following is substituted in lieu thereof (*Effective from*  
1307 *passage*):

1308 (d) Any person who violates any provision of this section shall be  
1309 fined not less than one hundred fifty dollars [nor] or more than two  
1310 hundred fifty dollars.

1311 Sec. 63. Subsection (c) of section 15-13 of the general statutes is  
1312 repealed and the following is substituted in lieu thereof (*Effective from*  
1313 *passage*):

1314 (c) Each license shall expire on the last day of December following  
1315 its issuance and may be renewed upon application and payment of the  
1316 fee required by subsection (b) of this section, renewal of the bond  
1317 required under subsection (b) of this section and proof of current  
1318 federal licensure as required in subsection (a) of this section.

1319 Sec. 64. Subsection (a) of section 15-98 of the general statutes is  
1320 repealed and the following is substituted in lieu thereof (*Effective from*  
1321 *passage*):

1322 (a) The Connecticut Wing Civil Air Patrol shall be within the  
1323 Department of Public Safety and may expend funds, within available  
1324 appropriations, for the acquisition, installation, conditioning, rental  
1325 and maintenance of equipment and facilities and for expenses incurred  
1326 in connection with senior and cadet training; provided no funds shall  
1327 be expended for the purpose of uniforms or personal effects, or for  
1328 salaries of members of said civil air patrol, except as set forth in

1329 subsection (b) of this section.

1330 Sec. 65. Subsection (c) of section 16-19f of the general statutes is  
1331 repealed and the following is substituted in lieu thereof (*Effective from*  
1332 *passage*):

1333 (c) The Department of Public Utility Control, with respect to each  
1334 electric public service company, and each municipal electric company  
1335 may implement any standard determined under subsection (b) of this  
1336 section to be appropriate or decline to implement any such standard. If  
1337 the department or a municipal electric company declines to implement  
1338 any standard determined to be appropriate, it shall state in writing its  
1339 reasons for doing so and make such statement available to the public.

1340 Sec. 66. Section 16a-29 of the general statutes is repealed and the  
1341 following is substituted in lieu thereof (*Effective from passage*):

1342 The secretary shall consider the comments received at the public  
1343 hearings and shall make any necessary or desirable revisions to said  
1344 plan and within three months of completion of the public hearings  
1345 submit the plan to the continuing legislative committee on state  
1346 planning and development, for its approval, revision or disapproval,  
1347 in whole or in part. Notwithstanding the provisions of this section, the  
1348 secretary shall submit the [State Plan of] state Conservation and  
1349 Development Policies Plan, 2004-2009, to said committee on or before  
1350 December 1, 2004.

1351 Sec. 67. Subsections (a) and (b) of section 16a-41h of the general  
1352 statutes are repealed and the following is substituted in lieu thereof  
1353 (*Effective from passage*):

1354 (a) Each electric and gas company, as defined in section 16-1, having  
1355 at least seventy-five thousand customers, shall include in its monthly  
1356 bills a request to each customer to add a one-dollar donation to the bill  
1357 payment. Each company shall transmit all such donations received  
1358 each month to Operation Fuel, Inc., a state-wide nonprofit  
1359 organization designed to respond to people within the state who are in

1360 financial crisis and need emergency energy assistance. Donations shall  
1361 be distributed to nonprofit social services agencies and private fuel  
1362 banks in accordance with guidelines established by the board of  
1363 directors of Operation Fuel, Inc., provided such funds shall be  
1364 distributed on a priority basis to low-income elderly and working poor  
1365 households which are not eligible for public assistance or state-  
1366 administered general assistance but [who] are faced with a financial  
1367 crisis and are unable to make timely payments on winter fuel,  
1368 electricity or gas bills.

1369 (b) If Operation Fuel, Inc. ceases to exist, such electric and gas  
1370 companies shall jointly establish a nonprofit, tax-exempt corporation  
1371 for the purpose of holding in trust and distributing such customer  
1372 donations. The board of directors of such corporation shall consist of  
1373 eleven members appointed as follows: Four by the companies, each of  
1374 which shall appoint one member; one by the president pro tempore of  
1375 the Senate; one by the minority leader of the Senate; one by the speaker  
1376 of the House of Representatives; one by the minority leader of the  
1377 House of Representatives; and three by the Governor. The board shall  
1378 distribute such funds to nonprofit organizations and social service  
1379 agencies which provide emergency energy or fuel assistance. The  
1380 board shall target available funding on a priority basis to low-income  
1381 elderly and working poor households which are not eligible for public  
1382 assistance or state-administered general assistance but [who] are faced  
1383 with a financial crisis and are unable to make timely payments on  
1384 winter fuel, electricity or gas bills.

1385 Sec. 68. Subsection (b) of section 17a-50 of the general statutes is  
1386 repealed and the following is substituted in lieu thereof (*Effective from*  
1387 *passage*):

1388 (b) There shall be established, within existing resources, a Children's  
1389 Trust Fund Council which shall be within the Department of Children  
1390 and Families for administrative purposes only. The council shall be  
1391 composed of sixteen members as follows: (1) The Commissioners of  
1392 [the Departments of] Social Services, Education, Children and Families

1393 and Public Health, or their designees; (2) a representative of the  
1394 business community with experience in fund-raising, appointed by the  
1395 president pro tempore of the Senate; (3) a representative of the  
1396 business community with experience in fund-raising, appointed by the  
1397 speaker of the House of Representatives; (4) a representative of the  
1398 business community with experience in fund-raising, appointed by the  
1399 minority leader of the House of Representatives; (5) a representative of  
1400 the business community with experience in fund-raising, appointed by  
1401 the minority leader of the Senate; (6) a parent, appointed by the  
1402 majority leader of the House of Representatives; (7) a parent,  
1403 appointed by the majority leader of the Senate; (8) a parent, appointed  
1404 by the president pro tempore of the Senate; (9) a person with expertise  
1405 in child abuse prevention, appointed by the speaker of the House of  
1406 Representatives; (10) a person with expertise in child abuse prevention,  
1407 appointed by the minority leader of the House of Representatives; (11)  
1408 a staff member of a child abuse prevention program, appointed by the  
1409 minority leader of the Senate; (12) a staff member of a child abuse  
1410 prevention program, appointed by the majority leader of the House of  
1411 Representatives; and (13) a pediatrician, appointed by the majority  
1412 leader of the Senate. The council shall solicit and accept funds, on  
1413 behalf of the Children's Trust Fund, to be used for the prevention of  
1414 child abuse and neglect and family resource programs, or on behalf of  
1415 the Parent Trust Fund, to be used for parent community involvement  
1416 to improve the health, safety and education of children, and shall make  
1417 grants to programs pursuant to subsections (a) and (c) of this section.  
1418 The council may, subject to the provisions of chapter 67, employ an  
1419 executive director and any necessary staff within available  
1420 appropriations.

1421 Sec. 69. Section 17b-105b of the general statutes is repealed and the  
1422 following is substituted in lieu thereof (*Effective from passage*):

1423 The Department of Social Services shall be required to pursue the  
1424 maximum food stamp benefit extensions permitted by the Code of  
1425 Federal Regulations Title 7, Part 273, Section 273.12, for those  
1426 households leaving the temporary assistance [to] for needy families

1427 program.

1428 Sec. 70. Subsections (b) and (c) of section 17b-267 of the general  
1429 statutes are repealed and the following is substituted in lieu thereof  
1430 (*Effective from passage*):

1431 (b) The Commissioner of Social Services shall not enter into an  
1432 agreement with any agency or organization under subsection (a) of  
1433 this section unless (1) he finds (A) that to do so is consistent with the  
1434 effective and efficient administration of the medical assistance  
1435 program, and (B) that such agency or organization is willing and able  
1436 to assist the providers to which payments are made through it in the  
1437 application of safeguards against unnecessary utilization of services  
1438 furnished by them to individuals entitled to hospital insurance benefits  
1439 under section 17b-261 and the agreement provides for such assistance,  
1440 and (2) such agency or organization agrees to furnish to the  
1441 Commissioner of Social Services such of the information acquired by it  
1442 in carrying out its agreement under sections 17b-267 to 17b-271,  
1443 inclusive, as the Commissioner of Social Services may find necessary in  
1444 performing his functions under said sections.

1445 (c) An agreement with any agency or organization under subsection  
1446 (a) of this section may contain such terms and conditions as the  
1447 Commissioner of Social Services finds necessary or appropriate, may  
1448 provide for advances of funds to the agency or organization for the  
1449 making of payments by it under said subsection (a), and shall provide  
1450 for payment by the Commissioner of Social Services of so much of the  
1451 cost of administration of the agency or organization as is determined  
1452 by [said] the Commissioner of Social Services to be necessary and  
1453 proper for carrying out the functions covered by the agreement.

1454 Sec. 71. Subsection (f) of section 17b-274d of the general statutes is  
1455 repealed and the following is substituted in lieu thereof (*Effective from*  
1456 *passage*):

1457 (f) Except for mental-health-related drugs and antiretroviral drugs,  
1458 reimbursement for a drug not included on the preferred drug lists [are]

1459 is subject to prior authorization.

1460 Sec. 72. Subsections (e), (f) and (g) of section 17b-360 of the general  
1461 statutes are repealed and the following is substituted in lieu thereof  
1462 (*Effective from passage*):

1463 (e) In the case of a resident who is determined under subsection (d)  
1464 of this section not to require the level of services provided by a nursing  
1465 facility but to require specialized services for mental retardation or a  
1466 condition related to mental retardation and who has continually  
1467 resided in a nursing facility for at least thirty months before the date of  
1468 the determination, the resident may elect to remain in the facility or to  
1469 receive services covered by Medicaid in an alternative appropriate  
1470 institutional or noninstitutional setting in accordance with the terms of  
1471 the alternative disposition plan submitted by the Department of Social  
1472 Services and approved by the Secretary of the United States  
1473 Department of Health and Human Services.

1474 (f) In the case of a resident with mental retardation or a related  
1475 condition who is determined under subsection (d) of this section not to  
1476 require the level of services provided by a nursing facility but to  
1477 require specialized services for mental retardation or the related  
1478 condition and who has not continuously resided in a nursing facility  
1479 for at least thirty months before the date of the determination, the  
1480 nursing facility in consultation with the Department of Mental  
1481 Retardation shall arrange for the safe and orderly discharge of the  
1482 resident from the facility. If the department determines that the  
1483 provision of specialized services requires an alternative residential  
1484 placement, the discharge and transfer of the patient shall be in  
1485 accordance with the alternative disposition plan submitted by the  
1486 Department of Social Services and approved by the Secretary of the  
1487 United States Department of Health and Human Services, except if an  
1488 alternative residential facility is not available, the resident shall not be  
1489 transferred.

1490 (g) In the case of a resident who is determined under subsection (d)

1491 of this section not to require the level of services provided by a nursing  
1492 facility and not to require specialized services, the nursing facility shall  
1493 arrange for the safe and orderly discharge of the resident from the  
1494 facility.

1495 Sec. 73. Section 18-87 of the general statutes is repealed and the  
1496 following is substituted in lieu thereof (*Effective from passage*):

1497 The Commissioner of Correction may transfer any inmate of any of  
1498 the institutions of the Department of Correction to any other  
1499 appropriate state institution with the concurrence of the  
1500 superintendent of such institution or to the Department of Children  
1501 and Families when the Commissioner of Correction finds that the  
1502 welfare or health of the inmate requires it. When an inmate, after the  
1503 expiration of his sentence, is committed to or otherwise remains in the  
1504 institution to which he was transferred, the expense of his treatment  
1505 and support shall be paid as provided by sections 17b-122, 17b-124 to  
1506 17b-132, inclusive, 17b-136 to 17b-138, inclusive, 17b-194 to 17b-197,  
1507 inclusive, 17b-222 to 17b-250, inclusive, 17b-256, 17b-263, 17b-340 to  
1508 17b-350, inclusive, 17b-689b, and 17b-743 to 17b-747, inclusive. No  
1509 transfer of any person who has attained the age of eighteen years shall  
1510 be made to the Department of Children and Families. [, and no] No  
1511 transfer of any person who has not attained the age of eighteen years  
1512 shall be made to the Department of Children and Families [shall be  
1513 made] unless the Commissioner of Children and Families finds that  
1514 such person would benefit from a transfer to the Department of  
1515 Children and Families and agrees to accept such person and such  
1516 person has given his written consent to such transfer. Such person  
1517 transferred to the Department of Children and Families shall be  
1518 deemed to be committed to the custody of the Commissioner of  
1519 Children and Families. The Commissioner of Children and Families  
1520 shall have the power to terminate the commitment and release such  
1521 person at any time he determines such termination and release would  
1522 be in such person's best interest, and shall have the power to return  
1523 such person to the jurisdiction of the Commissioner of Correction. The  
1524 transfer of any person under this section to the Department of

1525 Children and Families shall not result in the person so transferred  
1526 being in the custody of the Commissioner of Correction and the  
1527 Commissioner of Children and Families for a total of less than the  
1528 minimum [nor] or more than the maximum term he would have been  
1529 in the custody of the Commissioner of Correction had he not been so  
1530 transferred.

1531 Sec. 74. Section 18-101i of the general statutes is repealed and the  
1532 following is substituted in lieu thereof (*Effective from passage*):

1533 (a) To establish and develop noninstitutional, community-based  
1534 service programs, the commissioner shall award grants or purchase of  
1535 service contracts in accordance with the plan developed under  
1536 subsection (b) of this section to private, nonprofit organizations, state  
1537 agencies or units of local government, [;] provided such grants shall  
1538 not be subject to the formula funding requirements of section 18-101k.  
1539 Such grants or contracts shall be the predominant method by which  
1540 the department develops, implements and operates community  
1541 correction programs. In addition, the commissioner may administer  
1542 community-based service programs under the direct control of the  
1543 department.

1544 (b) To carry out the purposes of subsection (a) of this section, the  
1545 commissioner shall:

1546 (1) Develop and revise annually a comprehensive state community  
1547 correction plan for the delivery of services in each of the service areas  
1548 established by section 18-101j. The department shall adopt regulations  
1549 in accordance with chapter 54 by January 1, 1981, providing for  
1550 community input into such plan;

1551 (2) Report annually to the Governor and the General Assembly  
1552 regarding its community correction activities. At a minimum, such  
1553 report shall include the number of clients served, services offered and  
1554 prevailing concerns of the service areas;

1555 (3) Research and gather relevant statistical data concerning the



1556 impact of community correction services and make such data available  
1557 to the service areas and community correction program providers on a  
1558 monthly and annual basis;

1559 (4) Establish a mechanism to monitor and evaluate on a regular  
1560 basis all community correction programs and report their findings in  
1561 writing to each agency in a timely and regular manner; and

1562 (5) Solicit and accept for use any gift of money or property made by  
1563 will or otherwise, and any grant of money, services or property from  
1564 the federal government, in accordance with the state community  
1565 correction plan.

1566 (c) The department shall include in its budget a separate allocation  
1567 for the provision of community-based service programs as required by  
1568 this part.

1569 Sec. 75. Subsection (a) of section 18-101k of the general statutes is  
1570 repealed and the following is substituted in lieu thereof (*Effective from*  
1571 *passage*):

1572 (a) In establishing the level of funds in each service area, and funds  
1573 available for each service contract, the department shall adopt  
1574 regulations in accordance with chapter 54 [adopt regulations] by  
1575 February 1, 1981, providing a formula and procedures for the  
1576 application, review and award or denial of requests for funds, and  
1577 providing for the waiver or amendment of such formula as provided  
1578 in subsection (c) of this section.

1579 Sec. 76. Subsection (b) of section 19a-281 of the general statutes is  
1580 repealed and the following is substituted in lieu thereof (*Effective from*  
1581 *passage*):

1582 (b) Any medical examiner or other authorized official, who acts in  
1583 good faith and in accordance with the provisions of subsection (a) of  
1584 this section with respect to the corneal or pituitary tissue of a decedent,  
1585 shall not be liable for damages in any civil action or subject to

1586 prosecution in any criminal proceeding for his act.

1587 Sec. 77. Subsections (c) and (d) of section 19a-315c of the general  
1588 statutes are repealed and the following is substituted in lieu thereof  
1589 (*Effective from passage*):

1590 (c) Following the notice period provided for in subsection (b) of this  
1591 section, and subject to the provisions of subsection (d) of this section, a  
1592 burial ground authority may renovate an ancient burial place,  
1593 cemetery or burial place by: (1) The removal of any or all fencing,  
1594 railing or curbing, if such removal is determined by the burial ground  
1595 authority to be necessary or desirable for the proper and efficient  
1596 maintenance of the ancient burial place, cemetery or burial place as a  
1597 whole; and (2) the repositioning or resetting of any monument or  
1598 tombstone.

1599 (d) At any time prior to the expiration of the notice period provided  
1600 for in subsection (b) of this section, the probate court may assume  
1601 jurisdiction over such renovation and order a hearing, with notice of  
1602 such hearing to be given to the burial ground authority, the owner, the  
1603 qualified lineal descendant, the Connecticut Commission on Culture  
1604 and Tourism and otherwise as the court deems appropriate, to  
1605 determine whether such renovation is necessary for the proper and  
1606 efficient maintenance of the ancient burial place, cemetery or burial  
1607 place as a whole. Upon notice of such hearing, the burial ground  
1608 authority shall not proceed with such renovation except in accordance  
1609 with the order of the probate court.

1610 Sec. 78. Subsection (b) of section 19a-509a of the general statutes is  
1611 repealed and the following is substituted in lieu thereof (*Effective from*  
1612 *passage*):

1613 (b) Upon receipt of a written audit request pursuant to an  
1614 agreement between the hospital and the payer or the provisions of  
1615 subsection (a) of this section, a hospital shall, within thirty days of the  
1616 request or within thirty days of receipt by the hospital of any patient  
1617 authorization required prior to the release of records or information,

1618 whichever is later, provide a detailed itemization of charges to the  
 1619 patient and make available all medical records and supporting  
 1620 documentation at no cost to the party conducting the audit except as  
 1621 provided in subsection (a) of this section and a reasonable fee for  
 1622 photocopying and mailing. Within fifteen days after receipt of the  
 1623 audit report, which shall be in writing and set forth in detail the  
 1624 findings of the auditor, the hospital shall respond to the auditor. If the  
 1625 hospital fails to respond, the audit findings shall be deemed correct  
 1626 and any required adjustments to the charges or payments shall be  
 1627 made by the payer [.] or hospital. Any balance due or refund owed  
 1628 shall be remitted within twenty days.

1629 Sec. 79. Subsection (d) of section 19a-509a of the general statutes is  
 1630 repealed and the following is substituted in lieu thereof (*Effective from*  
 1631 *passage*):

1632 (d) When an audit request is submitted in accordance with an  
 1633 agreement between the hospital and the payer or the provisions of  
 1634 subsection (a) of this section, the hospital shall not issue, in any form,  
 1635 bills to the patient, nor initiate self-pay collection efforts until the audit  
 1636 is complete and the charges are determined to be correct either by  
 1637 mutual agreement of the parties or arbitration. If a balance is due to the  
 1638 hospital and it is not paid within twenty days, collection efforts may be  
 1639 initiated.

1640 Sec. 80. Subsections (a) and (b) of section 20-13e of the general  
 1641 statutes are repealed and the following is substituted in lieu thereof  
 1642 (*Effective from passage*):

1643 (a) The department shall investigate each petition filed pursuant to  
 1644 section 20-13d, in accordance with the provisions of subdivision (10) of  
 1645 subsection (a) of section 19a-14, to determine if probable cause exists to  
 1646 issue a statement of charges and to institute proceedings against the  
 1647 physician under subsection (e) of this section. Such investigation shall  
 1648 be concluded not later than eighteen months from the date the petition  
 1649 is filed with the department and, unless otherwise specified by this

1650 subsection, the record of such investigation shall be deemed a public  
1651 record, in accordance with section 1-210, at the conclusion of such  
1652 eighteen-month period. Any such investigation shall be confidential  
1653 and no person shall disclose his knowledge of such investigation to a  
1654 third party unless the physician requests that such investigation and  
1655 disclosure be open. If the department determines that probable cause  
1656 exists to issue a statement of charges, the entire record of such  
1657 proceeding shall be public unless the department determines that the  
1658 physician is an appropriate candidate for participation in a  
1659 rehabilitation program in accordance with subsection (b) of this section  
1660 and the physician agrees to participate in such program in accordance  
1661 with terms agreed upon by the department and the physician. If at any  
1662 time subsequent to the filing of a petition and during the eighteen-  
1663 month period, the department makes a finding of no probable cause,  
1664 the petition and the entire record of such investigation shall remain  
1665 confidential unless the physician requests that such petition and record  
1666 be open.

1667 (b) In any investigation pursuant to subsection (a) of this section, the  
1668 department may recommend that the physician participate in an  
1669 appropriate rehabilitation program, provided the department  
1670 determines that the physician, during his participation in such a  
1671 program in accordance with terms agreed upon by the department and  
1672 the physician, does not pose a threat in his practice of medicine [,] to  
1673 the health and safety of any person. Such determination shall become a  
1674 part of the record of [said] such investigation. The department may  
1675 seek the advice of established medical organizations in determining  
1676 the appropriateness of any rehabilitation program. If the physician  
1677 participates in an approved program, with the consent of the  
1678 department, the department shall monitor the physician's participation  
1679 in such program and require the person responsible for the physician's  
1680 activities in such program to submit signed monthly reports describing  
1681 the physician's progress therein. The department shall determine if  
1682 participation in such a program is sufficient cause to end its  
1683 investigation. Upon commencement of the rehabilitation program by

1684 the physician and during his continued participation in such program  
1685 in accordance with terms agreed upon by the department and the  
1686 physician, all records shall remain confidential.

1687 Sec. 81. Subsection (b) of section 20-34 of the general statutes is  
1688 repealed and the following is substituted in lieu thereof (*Effective from*  
1689 *passage*):

1690 (b) For purposes of subsection (a) of this section, "natural  
1691 substances" [are] means substances which are not narcotic substances,  
1692 as defined in subdivision (30) of section 21a-240, do not require the  
1693 written or oral prescription of a licensed practitioner to be dispensed  
1694 and are only administered orally.

1695 Sec. 82. Subsection (b) of section 20-114 of the general statutes is  
1696 repealed and the following is substituted in lieu thereof (*Effective from*  
1697 *passage*):

1698 (b) For purposes of subdivision (8) of subsection (a) of this section,  
1699 fraud or material deception shall include, but not be limited to, the  
1700 following practices: (1) Submission of a claim form to a third party  
1701 intentionally reporting incorrect treatment dates for the purpose of  
1702 assisting a patient in obtaining benefits under a dental plan, which  
1703 benefits would otherwise be disallowed; (2) increasing a fee to a  
1704 patient for a dental procedure or dental hygiene service in excess of the  
1705 fee generally charged by the dentist for such procedure or service  
1706 solely because the patient has dental insurance; (3) intentionally  
1707 describing a dental procedure incorrectly on a third-party claim form  
1708 in order to receive a greater payment or reimbursement or  
1709 intentionally misrepresenting a dental procedure not otherwise eligible  
1710 for payment or reimbursement on such claim form for the purpose of  
1711 receiving payment or reimbursement; and (4) intentionally accepting  
1712 payment from a third party as payment in full for patient services  
1713 rendered when (A) the patient has been excused from payment of any  
1714 applicable deductible by the license holder, and (B) such license holder  
1715 fails to notify the third party of such action.

1716 Sec. 83. Section 20-197 of the general statutes is repealed and the  
1717 following is substituted in lieu thereof (*Effective from passage*):

1718 No person shall practice veterinary medicine, surgery or dentistry  
1719 until he has obtained a license as provided in section 20-199. A person  
1720 shall be construed to practice veterinary medicine, surgery or  
1721 dentistry, within the meaning of this chapter, who holds himself out as  
1722 being able to diagnose, administer biologics for, treat, operate or  
1723 prescribe for any animal or bird disease, pain, injury, deformity or  
1724 physical condition, or who either offers or undertakes, by any means  
1725 or methods, to diagnose, administer biologics for, treat, operate or  
1726 prescribe for any animal or bird disease, pain, injury, deformity or  
1727 physical condition. The euthanizing of animals in accordance with  
1728 applicable state and federal drug laws by the Connecticut Humane  
1729 Society, the floating of teeth in horses by persons experienced in that  
1730 practice and the performance of myofascial trigger point therapy by  
1731 persons experienced in that practice shall not be deemed to be the  
1732 practice of veterinary medicine. For the purposes of this section,  
1733 "floating teeth" means using hand-held rasps to reduce or eliminate  
1734 sharp or uneven edges on a horse's upper and lower molars to avoid  
1735 injury to the tongue and cheeks and to improve chewing food, but  
1736 does not include treating decay [,] or tumors or extracting teeth. For  
1737 the purposes of this section, "myofascial trigger point therapy" means  
1738 the use of specific palpation, compression, stretching and corrective  
1739 exercise for promoting optimum athleticism, and "persons experienced  
1740 in that practice" means persons who, prior to October 1, 2003, have  
1741 attended a minimum of two hundred hours of classroom, lecture and  
1742 hands-on practice in myofascial trigger point therapy, including  
1743 animal musculoskeletal anatomy and biomechanics, theory and  
1744 application of animal myofascial trigger point techniques, factors that  
1745 habituate a presenting condition and corrective exercise.

1746 Sec. 84. Section 20-248 of the general statutes is repealed and the  
1747 following is substituted in lieu thereof (*Effective from passage*):

1748 Nothing in this chapter shall prohibit any patient of the Veterans'

1749 Home at Rocky Hill from practicing the occupation of a master barber  
1750 in said home. [, nor shall the provisions of] Nothing in this chapter  
1751 shall be construed to prevent any person holding a registered  
1752 hairdresser and cosmetician's license under the provisions of chapter  
1753 387 from cutting the hair of any person, [nor] or to prevent any person  
1754 licensed under the provisions of [said] chapter 387 from carrying on  
1755 the occupation of hairdresser and cosmetician. Nothing in this chapter  
1756 [nor] or in chapter 387 shall be construed to prevent a licensed  
1757 registered hairdresser and cosmetician from working in a barber shop  
1758 [nor] or a licensed master barber from working in a hairdressing and  
1759 cosmetology shop.

1760 Sec. 85. Subsection (b) of section 20-319 of the general statutes is  
1761 repealed and the following is substituted in lieu thereof (*Effective from*  
1762 *passage*):

1763 (b) There is hereby established an annual renewal license to be  
1764 issued by the Department of Consumer Protection. Persons licensed in  
1765 accordance with the provisions of this chapter shall fulfill a continuing  
1766 education requirement. Applicants for an annual renewal license for  
1767 real estate brokers or real estate salespersons shall, in addition to the  
1768 other requirements imposed by the provisions of this chapter, in any  
1769 even-numbered year, submit proof of compliance with the continuing  
1770 education requirements of this subsection to the commission,  
1771 accompanied by an eight-dollar processing fee. The continuing  
1772 education requirement may be satisfied by successful completion of  
1773 any of the following during the two-year period preceding such  
1774 renewal: (1) A course or courses, approved by the commission, of  
1775 continuing education in current real estate practices and licensing laws  
1776 consisting of not less than twelve hours of classroom study; or (2) a  
1777 written examination prepared and administered by either the  
1778 Department of Consumer Protection, or by a national testing service  
1779 approved by the department, which demonstrates a knowledge of  
1780 current real estate practices and licensing laws; or (3) equivalent  
1781 continuing educational experience or study as determined by  
1782 regulations adopted pursuant to subsection (d) of this section. An

1783 applicant for examination under subdivision (2) of this subsection shall  
1784 pay the required examination fee to the national testing service, if  
1785 administered by such testing service, or to the Department of  
1786 Consumer Protection, if administered by the department.

1787 Sec. 86. Subsection (a) of section 20-329f of the general statutes is  
1788 repealed and the following is substituted in lieu thereof (*Effective from*  
1789 *passage*):

1790 (a) The commission shall, upon completion of the investigation and  
1791 inspection as provided in section 20-329e, but, in the absence of any  
1792 agreement to the contrary between the applicant and the commission,  
1793 not later than three months from the receipt of the completed license  
1794 application, or receipt of an effective statement of record filed with the  
1795 Secretary of Housing and Urban Development and filed with the  
1796 commission pursuant to subsection (c) of section 20-329b, (1) approve  
1797 or disapprove the prospectus, property report or offering statement  
1798 submitted under subsection (c) of section 20-329b [,] or section 20-329d,  
1799 as the case may be, and (2) if satisfied, issue to the applicant, upon  
1800 payment to the commission of a fee computed as provided in  
1801 subsection (b) of this section, a license to offer and dispose of in this  
1802 state the subdivision or parcels, units or other interests in any  
1803 subdivision that is the subject of the application or such effective  
1804 statement of record. Such license shall be valid for one year and may  
1805 be renewed annually upon payment to the commission of a fee,  
1806 computed as provided in subsection (b) of this section, unless there is a  
1807 material change affecting such subdivision or lot, parcels, units or  
1808 other interest in any subdivision or the offer or disposition thereof, in  
1809 which case all new facts shall be reported to the commission  
1810 immediately. Upon receipt of such report or in the event that any such  
1811 material change is discovered by or comes to the attention of the  
1812 commission through other sources, the commission may, after hearing  
1813 pursuant to section 20-321, take such action as the commission  
1814 considers necessary, including the suspension or revocation of such  
1815 license if justified.



1816 Sec. 87. Subsection (b) of section 21-41 of the general statutes is  
1817 repealed and the following is substituted in lieu thereof (*Effective from*  
1818 *passage*):

1819 (b) Each such pawnbroker or person carrying on such business of  
1820 loaning money on the deposit or pledge of personal property or of  
1821 purchasing such property on condition of selling the same back again  
1822 at a stipulated price or of purchasing such property from a person who  
1823 is not a wholesaler shall maintain a record-keeping system deemed  
1824 appropriate by the chief of police in cities and by the selectmen in  
1825 towns, in which shall be entered in English, at the time he receives any  
1826 article of personal property by way of pledge, pawn or purchase, a  
1827 description of such article, the name, residence, proof of identity as  
1828 required in subsection (a) of this section and a general description of  
1829 the person from whom, and the day and hour when, such property  
1830 was received. Such record-keeping system and the place where such  
1831 business is carried on and all articles of property therein may be  
1832 examined at all times by any state [policeman] police officer, by any  
1833 municipal police officer, by the selectmen of the town or any person by  
1834 them designated or, if such business is carried on in a city, by the chief  
1835 of police of such city or any person by him designated. Any state  
1836 [policeman] police officer or municipal police officer of the town or  
1837 city where the business is carried on who performs such an  
1838 examination may require any employee on the premises to provide  
1839 proof of his identity.

1840 Sec. 88. Section 22-39 of the general statutes is repealed and the  
1841 following is substituted in lieu thereof (*Effective from passage*):

1842 Any person who obstructs or hinders the Commissioner of  
1843 Agriculture or any of the commissioner's assistants in the performance  
1844 of their duties under the provisions of sections 22-27 to 22-38,  
1845 inclusive, shall be fined not less than ten dollars [nor] or more than one  
1846 hundred dollars.

1847 Sec. 89. Section 22-39f of the general statutes is repealed and the

1848 following is substituted in lieu thereof (*Effective from passage*):

1849 Any person who fails to comply with the provisions of sections 22-  
1850 39a to 22-39e, inclusive, or who obstructs or hinders the Commissioner  
1851 of Agriculture or the Commissioner of Consumer Protection or any of  
1852 their authorized agents in the performance of their duties under the  
1853 provisions of said sections, shall be fined not less than twenty-five  
1854 dollars [nor] or more than fifty dollars for the first offense and not less  
1855 than one hundred dollars [nor] or more than two hundred dollars for  
1856 each subsequent offense. In addition to such fine, the Commissioner of  
1857 Agriculture is authorized to deny, suspend or revoke the license  
1858 provided for in said sections issued to such person.

1859 Sec. 90. Subsection (a) of section 22-351 of the general statutes is  
1860 repealed and the following is substituted in lieu thereof (*Effective from*  
1861 *passage*):

1862 (a) Any person who steals, confines or conceals any companion  
1863 animal, as defined in section 22-351a, or who, with the intention of  
1864 stealing such companion animal or concealing its identity or the  
1865 identity of its owner or with the intention of concealing the fact that  
1866 the companion animal is licensed, removes the collar or harness or tag  
1867 from any licensed companion animal, or who unlawfully kills or  
1868 injures any companion animal, shall be fined not more than one  
1869 thousand dollars or imprisoned not more than six months, or both. For  
1870 a second offense, or for an offense involving more than one companion  
1871 animal, any such person shall be fined not more than two thousand  
1872 dollars or imprisoned not less than one year [nor] or more than three  
1873 years or be both fined and imprisoned.

1874 Sec. 91. Subsection (a) of section 22-355 of the general statutes is  
1875 repealed and the following is substituted in lieu thereof (*Effective from*  
1876 *passage*):

1877 (a) When any person sustains damage by dogs to his sheep, goats,  
1878 horses, hogs, cattle, poultry or domestic rabbits kept in enclosures as  
1879 described in subsection (f) of this section, such person shall report such

1880 damage to the chief administrative officer of the town in which such  
1881 damage was sustained, or his agent, or, if such damage was sustained  
1882 on land located in two or more towns, he shall report such damage to  
1883 such authority of either of such towns. Thereupon such authority, with  
1884 the person claiming to have sustained such damage, shall estimate the  
1885 amount of such damage, including the value of the animals or poultry  
1886 killed, injured or damaged by such dogs. If such authority and the  
1887 person claiming to have sustained such damage are unable to agree as  
1888 to the amount thereof, they shall choose some disinterested third  
1889 person to assist in estimating the damage. Information required by this  
1890 subsection shall be given within twenty-four hours after the person  
1891 claiming [hereunder] under this section has or should have had  
1892 knowledge of the same or, if the intervention of a Sunday or holiday  
1893 prevents the reporting thereof, on the next succeeding business day.  
1894 No claim for such damages shall be allowed to any person (1) [anyone]  
1895 who owns, keeps or has in possession any unlicensed dog, (2) [anyone]  
1896 whose employee, living on the premises, keeps an unlicensed dog  
1897 which is six months of age or over, or (3) [any person] who fails to  
1898 report such damage within the time limited by this section. The burden  
1899 of proving the allegations of any claim under this section shall be on  
1900 the person claiming [hereunder] under this section.

1901 Sec. 92. Subsection (c) of section 22-355 of the general statutes is  
1902 repealed and the following is substituted in lieu thereof (*Effective from*  
1903 *passage*):

1904 (c) When additional or increased damages are claimed to sheep,  
1905 goats, horses, hogs, cattle, poultry or domestic rabbits, which damages  
1906 were not apparent at, and accrued subsequent to, the first appraisal of  
1907 damage, a supplemental notice of such claim for additional damage  
1908 may be given to such authority at any time within thirty days from the  
1909 discovery of the original damage. The supplemental notice of claim  
1910 shall set forth the facts upon which such claim is based. The claim shall  
1911 be made to such authority and shall be acted upon in the manner  
1912 provided in subsections (a) and (b) of this section.

1913 Sec. 93. Subsection (e) of section 22a-6b of the general statutes is  
1914 repealed and the following is substituted in lieu thereof (*Effective from*  
1915 *passage*):

1916 (e) All hearings under this section shall be conducted pursuant to  
1917 sections 4-176e to 4-184, inclusive. The final order of the commissioner  
1918 assessing a civil penalty shall be subject to appeal as set forth in section  
1919 4-183<sub>2</sub> except that any such appeal shall be taken to the superior court  
1920 for the judicial district of New Britain and shall have precedence in the  
1921 order of trial as provided in section 52-191. Such final order shall not  
1922 be subject to appeal under any other provision of the general statutes.  
1923 No challenge to any notice of assessment or final order of the  
1924 commissioner assessing a civil penalty shall be allowed as to any issue  
1925 which could have been raised by an appeal of an earlier order, notice,  
1926 permit, denial or other final decision by the commissioner. Any civil  
1927 penalty authorized by this section shall become due and payable [(i)]  
1928 (1) at the time of receipt of a final order in the case of a civil penalty  
1929 assessed in such order after a hearing, [(ii)] (2) on the first day after the  
1930 expiration of the period in which a hearing may be requested if no  
1931 hearing is requested, or [(iii)] (3) on the first day after any withdrawal  
1932 of a request for hearing.

1933 Sec. 94. Subdivision (1) of subsection (b) of section 22a-41 of the  
1934 general statutes is repealed and the following is substituted in lieu  
1935 thereof (*Effective from passage*):

1936 (b) (1) In the case of an application which received a public hearing  
1937 pursuant to (A) subsection (k) of section 22a-39, or (B) a finding by the  
1938 inland wetlands agency that the proposed activity may have a  
1939 significant impact on wetlands or watercourses, a permit shall not be  
1940 issued unless the commissioner finds on the basis of the record that a  
1941 feasible and prudent alternative does not exist. In making his finding<sub>2</sub>  
1942 the commissioner shall consider the facts and circumstances set forth  
1943 in subsection (a) of this section. The finding and the reasons therefor  
1944 shall be stated on the record in writing.

1945 Sec. 95. Subsections (e) and (f) of section 22a-94 of the general  
1946 statutes are repealed and the following is substituted in lieu thereof  
1947 (*Effective from passage*):

1948 (e) The commissioner may, from time to time, amend such maps  
1949 described in subsection (c) of this section. Prior to the adoption of an  
1950 amendment to any map, the commissioner shall hold a public hearing  
1951 in the affected municipality in accordance with the provisions of  
1952 chapter 54. The commissioner shall consider for amendment changes  
1953 in the boundary petitioned by the coastal municipality, by any person  
1954 owning real property within the boundary, or by twenty-five residents  
1955 of such municipality. The commissioner shall approve, deny or modify  
1956 such petition within sixty days of receipt and shall state, in writing, the  
1957 reasons for his action. All amendments to the boundary shall be  
1958 consistent with subsection (b) of this section.

1959 (f) A municipal coastal boundary may be adopted by the municipal  
1960 planning commission of each coastal municipality in accordance with  
1961 the notice, hearing and other procedural requirements of section 8-24.  
1962 Such boundary may be delineated by roads, property lines or other  
1963 identifiable natural or man-made features, provided such boundary  
1964 shall approximate and in no event diminish the area within the coastal  
1965 boundary as defined in subsection (b) of this section and as mapped  
1966 under subsection (d) of this section. Such boundary shall be  
1967 sufficiently precise to demonstrate whether the holdings of a property  
1968 owner, or portions thereof, lie within the boundary. Upon adoption,  
1969 such boundary shall be submitted to the commissioner for mapping in  
1970 accordance with subsection (c) of this section. The municipal planning  
1971 commission may, at its own discretion or upon request of a property  
1972 owner, amend the coastal boundary in accordance with the procedures  
1973 and criteria of this subsection.

1974 Sec. 96. Subsection (a) of section 22a-109 of the general statutes is  
1975 repealed and the following is substituted in lieu thereof (*Effective from*  
1976 *passage*):

1977 (a) A coastal site plan shall be filed with the municipal zoning  
1978 commission to aid in determining the conformity of a proposed  
1979 building, use, structure [ ] or shoreline flood and erosion control  
1980 structure, as defined in subsection (c) of this section, fully or partially  
1981 within the coastal boundary, with the specific provisions of the zoning  
1982 regulations of the municipality and the provisions of sections 22a-105  
1983 and 22a-106, and in the case of shoreline flood and erosion control  
1984 structures, the provisions of sections 22a-359 to 22a-363, inclusive, and  
1985 any regulations adopted thereunder. A coastal site plan required  
1986 under this section may be modified or denied if it fails to comply with  
1987 the requirements already set forth in the zoning regulations of the  
1988 municipality and, in addition, the coastal site plan may be modified,  
1989 conditioned or denied in accordance with the procedures and criteria  
1990 listed in sections 22a-105 and 22a-106. A coastal site plan for a  
1991 shoreline flood and erosion control structure may be modified,  
1992 conditioned or denied if it fails to comply with the requirements,  
1993 standards and criteria of sections 22a-359 to 22a-363, inclusive, and any  
1994 regulations adopted thereunder. Review of a coastal site plan under  
1995 the requirements of this section shall supersede any review required  
1996 by the municipality under subsection (g) of section 8-3 and shall be in  
1997 addition to any applicable zoning regulations of any special district  
1998 exercising zoning authority under special act. The provisions of this  
1999 section shall not be construed to limit the authority of the  
2000 Commissioner of Environmental Protection under sections 22a-359 to  
2001 22a-363, inclusive.

2002 Sec. 97. Subsection (b) of section 22a-112 of the general statutes is  
2003 repealed and the following is substituted in lieu thereof (*Effective from*  
2004 *passage*):

2005 (b) Upon receipt by the commissioner of a written application from  
2006 a coastal municipality, said commissioner shall make a grant to such  
2007 municipality of not less than twenty-five hundred dollars to be used to  
2008 carry out the responsibilities of such municipality under this chapter,  
2009 provided, on or after July 1, 1980, funds shall be allocated to coastal  
2010 municipalities in accordance with subsections (c) and (d) of this

2011 section.

2012 Sec. 98. Subsection (d) of section 22a-112 of the general statutes is  
2013 repealed and the following is substituted in lieu thereof (*Effective from*  
2014 *passage*):

2015 (d) Not less than thirty per cent of any funds received annually by  
2016 the state under Section 306 of the federal Coastal Zone Management  
2017 Act shall be provided annually to coastal municipalities for municipal  
2018 coastal site plan reviews under sections 22a-105 to 22a-109, inclusive.  
2019 Up to an additional twenty per cent of any funds received annually by  
2020 the state under Section 306 of the federal Coastal Zone Management  
2021 Act shall as a first priority be provided annually to assist coastal  
2022 municipalities which have chosen to prepare and implement a  
2023 municipal coastal program under sections 22a-101 to 22a-104,  
2024 inclusive, provided, [that] if in any one year the total amount of all  
2025 grants to municipalities which have agreed to adopt municipal coastal  
2026 programs is less than twenty per cent of such federal funds received in  
2027 that year, the difference shall be allocated for the purposes of this  
2028 chapter in accordance with subsection (a) of this section.

2029 Sec. 99. Subsection (a) of section 22a-128 of the general statutes is  
2030 repealed and the following is substituted in lieu thereof (*Effective from*  
2031 *passage*):

2032 (a) The owner or operator of a hazardous waste facility or an owner  
2033 or operator who modifies an existing hazardous waste facility  
2034 constructed and operated pursuant to this chapter shall pay an  
2035 assessment pursuant to subsection (b) of this section or shall pay the  
2036 costs of the incentives negotiated pursuant to subsection (c) of this  
2037 section, provided [that] the total amount paid shall not be more than  
2038 the amount established in subsection (b) of this section. The legislative  
2039 body of the municipality shall elect between payment of the  
2040 assessment or the negotiated incentives prior to the commencement of  
2041 negotiations. Any costs or assessments for a modification to a  
2042 hazardous waste facility shall be based on the volume of waste or the

2043 gross receipts that the council determines are attributable to such  
2044 modification.

2045 Sec. 100. Subsection (b) of section 22a-135 of the general statutes is  
2046 repealed and the following is substituted in lieu thereof (*Effective from*  
2047 *passage*):

2048 (b) In addition to the reporting required of a licensee pursuant to the  
2049 provisions of subdivision (3) of subsection (a) of this section, the  
2050 department may require the reporting immediately or within such  
2051 time period as the department may designate of any additional  
2052 occurrence, incident or other abnormal circumstance which is not  
2053 required to be reported within twenty-four hours or sooner to the  
2054 Nuclear Regulatory Commission. The department shall adopt  
2055 regulations, in accordance with chapter 54, to carry out the provisions  
2056 of this subsection.

2057 Sec. 101. Subsection (g) of section 22a-178 of the general statutes is  
2058 repealed and the following is substituted in lieu thereof (*Effective from*  
2059 *passage*):

2060 (g) When an order issued by the commissioner to any person  
2061 pursuant to this chapter becomes final, except for an order to create or  
2062 use emission reduction credits, the respondent to such order shall file a  
2063 certified copy or notice of the final order on the land records in the  
2064 town where the subject property is located, and such certified copy or  
2065 notice shall constitute a notice to the owner's heirs, successors and  
2066 assigns. Notwithstanding the provisions of this subsection, where the  
2067 respondent to a final order does not own the subject property, the  
2068 commissioner shall record notice of such order on the land records in  
2069 the town where the subject property is located. When the order has  
2070 been fully complied with or revoked, the commissioner shall issue a  
2071 certificate showing such compliance or revocation, which certificate  
2072 the recipient of such certificate shall record [,] on the land records in  
2073 the town wherein the order was previously recorded. Notwithstanding  
2074 the provisions of this subsection, where the recipient of such certificate



2075 does not own the subject property, the commissioner shall record such  
2076 certificate on the land records in the town where the subject property is  
2077 located. A person filing a notice, a final order or a certificate pursuant  
2078 to this subsection shall submit to the commissioner a certified copy of  
2079 the filing indicating the volume and page number upon which the  
2080 notice, final order or certificate is filed.

2081 Sec. 102. Subdivision (4) of section 22a-200 of the general statutes is  
2082 repealed and the following is substituted in lieu thereof (*Effective from*  
2083 *passage*):

2084 (4) "Greenhouse gas" means any chemical or physical substance that  
2085 is emitted into the air and that the Commissioner of Environmental  
2086 Protection may reasonably anticipate [to] will cause or contribute to  
2087 climate change, including, but not limited to, carbon dioxide, methane,  
2088 nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulfur  
2089 hexafluoride.

2090 Sec. 103. Subsection (b) of section 22a-200a of the general statutes is  
2091 repealed and the following is substituted in lieu thereof (*Effective from*  
2092 *passage*):

2093 (b) Not later than January 1, 2005, the Governor's Steering  
2094 Committee on Climate Change, established in November 2002, shall  
2095 develop a multisector, comprehensive climate change action plan, with  
2096 the opportunity for public comment, which plan shall contain the  
2097 policies and programs necessary to achieve the state's goals for the  
2098 reduction of greenhouse gas emissions by 2010 and 2020. The steering  
2099 committee shall notify each member of the General Assembly of the  
2100 development of such plan and of such opportunity for public  
2101 comment. Not later than January 1, 2005, the steering committee shall  
2102 submit, in accordance with section 11-4a, such plan to the joint  
2103 standing [committee] committees of the General Assembly having  
2104 cognizance of matters relating to the environment, energy,  
2105 transportation and commerce. Not later than January 15, 2005, such  
2106 committees shall convene a joint informational public hearing for the

2107 purpose of reviewing such plan. Not later than February 1, 2005, such  
2108 committees shall meet for the purpose of consideration of endorsement  
2109 of such plan. Not later than February 15, 2005, the steering committee  
2110 shall submit a final plan to such committees.

2111 Sec. 104. Subsection (e) of section 22a-200b of the general statutes is  
2112 repealed and the following is substituted in lieu thereof (*Effective from*  
2113 *passage*):

2114 (e) If a regional greenhouse gas registry is not developed and  
2115 implemented by April 15, 2007, the commissioner shall evaluate the  
2116 feasibility of establishing and administering a state-wide greenhouse  
2117 gas registry for the collection of emissions data pursuant to subsections  
2118 (b) and (c) of this section. If a regional greenhouse gas registry is  
2119 developed after the commissioner establishes a state-wide greenhouse  
2120 gas registry, [then] the reporting requirements in subsections (b) and  
2121 (c) of this section shall revert [back] to the regional greenhouse gas  
2122 registry in accordance with said subsections (b) and (c).

2123 Sec. 105. Section 22a-209d of the general statutes is repealed and the  
2124 following is substituted in lieu thereof (*Effective from passage*):

2125 The Commissioner of Environmental Protection may establish, by  
2126 regulations adopted in accordance with the provisions of chapter 54,  
2127 categories of materials which, if used in accordance with standards  
2128 adopted by the commissioner to protect the environment and public  
2129 health, shall not be considered solid waste under section 22a-207 or  
2130 subject to a permit under this chapter or chapter 446k.  
2131 Notwithstanding the provisions of the regulations adopted under this  
2132 section or section 22a-209, the Commissioner of Environmental  
2133 Protection shall not prohibit the use of waste sand from the casting of  
2134 metals as cover, road base [ ] or fill or for other purposes at a solid  
2135 waste disposal area permitted under section 22a-208a, provided the  
2136 concentration of toxic materials in the sand is below the level of  
2137 hazardous waste under the federal Resource Conservation and  
2138 Recovery Act of 1976, as amended, and any regulations promulgated

2139 to carry out said act, and further provided any person who disposes of  
 2140 such sand under this section shall provide certification, to the  
 2141 satisfaction of the Commissioner of Environmental Protection, that  
 2142 such sand is not hazardous. Notwithstanding the provisions of section  
 2143 22a-209, a public water supply company may, by itself or in  
 2144 conjunction with any person or municipality, use solids that are the  
 2145 by-products of water treatment processes provided such use conforms  
 2146 to best management practices and controls described in an operations  
 2147 plan approved in writing by the commissioner. A public water supply  
 2148 company may, by itself or in conjunction with any person or  
 2149 municipality, use such solids in accordance with such plan until the  
 2150 commissioner issues a general permit to such company for the use of  
 2151 such solids pursuant to section 22a-209f.

2152 Sec. 106. Subsection (d) of section 22a-234a of the general statutes is  
 2153 repealed and the following is substituted in lieu thereof (*Effective from*  
 2154 *passage*):

2155 (d) Any person or municipality delivering solid waste to a facility or  
 2156 landfill whose owner is subject to the assessment imposed by  
 2157 subsection (a) of this section shall reimburse the owner for any  
 2158 assessment paid for the solid waste delivered by such person or  
 2159 municipality. The assessment shall be a debt from the person or  
 2160 municipality responsible for paying such assessment to the owner.

2161 Sec. 107. Subdivision (2) of subsection (a) of section 22a-449c of the  
 2162 general statutes is repealed and the following is substituted in lieu  
 2163 thereof (*Effective from passage*):

2164 (2) The account shall be used by the Commissioner of  
 2165 Environmental Protection to provide money for reimbursement or  
 2166 payment pursuant to section 22a-449f to responsible parties or parties  
 2167 supplying goods or services, or both, to responsible parties for costs,  
 2168 expenses and other obligations paid or incurred, as the case may be, as  
 2169 a result of releases, and suspected releases, costs of investigation of  
 2170 releases and suspected releases, and third party claims for bodily

2171 injury, property damage and damage to natural resources.  
2172 Notwithstanding the provisions of this section regarding  
2173 reimbursements of parties pursuant to section 22a-449f [.] and  
2174 regulations [promulgated] adopted pursuant to section 22a-449e, and  
2175 regardless of when an application for payment or reimbursement may  
2176 have been submitted to the board, after June 1, 2004, no payment or  
2177 reimbursement shall be made for any costs, expenses and other  
2178 obligations paid or incurred for remediation, including any monitoring  
2179 to determine the effectiveness of the remediation, of a release to levels  
2180 more stringent than or beyond those specified in the remediation  
2181 standards established pursuant to section 22a-133k, except to the  
2182 extent the applicant demonstrates that it has been directed otherwise  
2183 by the Department of Environmental Protection. In addition,  
2184 notwithstanding the provisions of this section regarding  
2185 reimbursements of parties pursuant to section 22a-449f, the responsible  
2186 party for a release shall bear all costs of the release that are less than  
2187 ten thousand dollars or more than one million dollars, except that for  
2188 any such release which was reported to the department prior to  
2189 December 31, 1987, and for which more than five hundred thousand  
2190 dollars has been expended by the responsible party to remediate such  
2191 release prior to June 19, 1991, the responsible party for the release shall  
2192 bear all costs of such release which are less than ten thousand dollars  
2193 or more than five million dollars, provided the portion of any  
2194 reimbursement or payment in excess of three million dollars may, at  
2195 the discretion of the commissioner, be made in annual payments for up  
2196 to a five-year period. There shall be allocated to the department  
2197 annually, for administrative costs, two million dollars.

2198 Sec. 108. Subdivision (3) of subsection (a) of section 22a-471 of the  
2199 general statutes is repealed and the following is substituted in lieu  
2200 thereof (*Effective from passage*):

2201 (3) The provisions of this section shall not affect the rights of any  
2202 municipality to institute suit to recover all damages, expenses and  
2203 costs incurred by the municipality from any responsible party,  
2204 including, but not limited to, the costs specified in subparagraph (B)(i)

2205 and (ii) of subdivision (4) of subsection (b) of this section and, in the  
2206 case of any municipality which is not responsible for the pollution of  
2207 the groundwaters, the additional amounts specified in subparagraph  
2208 (B)(iii) and (iv) of subdivision (4) of subsection (b) of this section.

2209 Sec. 109. Subdivision (1) of subsection (f) of section 22a-471 of the  
2210 general statutes is repealed and the following is substituted in lieu  
2211 thereof (*Effective from passage*):

2212 (f) (1) Notwithstanding the provisions of subsection (a) of this  
2213 section, if the commissioner determines that a person whose actions  
2214 have caused or can reasonably be expected to cause pollution of the  
2215 groundwaters by the application of a pesticide (A) has properly  
2216 applied the pesticide or arranged for a pesticide application which was  
2217 properly performed, (B) was engaged in agriculture at the time the  
2218 pesticide was applied and used the pesticide solely in the production  
2219 of agricultural commodities, (C) has agreed to implement the plans  
2220 specified in subdivision (2) of this subsection, and (D) maintained the  
2221 records of the application of the pesticide as required by section 22a-58  
2222 and the records and plan identified in section 22a-471a, the  
2223 commissioner shall not issue an order under subsection (a) of this  
2224 section to the person engaged in agriculture, but may issue an order  
2225 under said subsection (a) to another responsible person, including, but  
2226 not limited to, the producer of the pesticide, requiring the short-term  
2227 and long-term provision of potable drinking water in accordance with  
2228 said subsection (a). The commissioner shall not issue an order under  
2229 said subsection (a) to a person engaged in agriculture who did not  
2230 maintain the records identified under section 22a-471a if said  
2231 commissioner finds such records are not relevant to a determination of  
2232 the party responsible for pollution of the groundwaters. If the  
2233 commissioner is unable to determine the responsible person, he may  
2234 issue such order to the municipality wherein groundwaters unusable  
2235 for potable drinking water are located.

2236 Sec. 110. Section 22a-471a of the general statutes is repealed and the  
2237 following is substituted in lieu thereof (*Effective from passage*):

2238 (a) The provisions of subsection (f) of section 22a-471 shall apply to  
2239 any person engaged in agriculture on May 26, 1988, who makes an  
2240 application or arranges for the application of a general use or restricted  
2241 use pesticide to agricultural or horticultural products or to the land,  
2242 provided such person (1) maintains the records specified in subsection  
2243 (d) of this section, and (2) develops and implements by July 1, 1989, the  
2244 plan specified in subsection (e) of this section.

2245 (b) On and after July 1, 1989, the provisions of subsection (f) of  
2246 section 22a-471 shall not apply to any person engaged in agriculture  
2247 who (1) fails to maintain the records specified in subsection (d) of this  
2248 section, or (2) has not developed and implemented the plan specified  
2249 in subsection (e) of this section when such records have been  
2250 maintained for less than three years.

2251 (c) The provisions of subsection (f) of section 22a-471 shall apply to  
2252 any person beginning agricultural activities on or after July 1, 1989,  
2253 who makes an application or arranges for the application of a general  
2254 use or restricted use pesticide to agricultural or horticultural products  
2255 or to the land, provided such person (1) maintains the records  
2256 specified in subsection (d) of this section, and (2) develops and  
2257 implements the plan specified in subsection (e) of this section.

2258 (d) The records required under subsection (a) of this section shall  
2259 include a record of the following information for each application of a  
2260 general or restricted use pesticide to an agricultural or horticultural  
2261 product or to the land: (1) The name of the applicator; (2) the kind and  
2262 amount of the pesticide used; (3) the date and place of application; (4)  
2263 the crop and amount of acreage treated; (5) the name of the  
2264 manufacturer and the product registration number assigned by the  
2265 United States Environmental Protection Agency of each pesticide; and  
2266 (6) the invoice or purchase receipt of the pesticide. Such records shall  
2267 be maintained by the person engaged in agriculture for not less than  
2268 twenty years after the date of application.

2269 (e) Any plan prepared under subsection (a) of this section shall be

2270 appropriate for the agricultural activities conducted on the land and  
2271 shall minimize the potential for groundwater contamination from  
2272 pesticides. Such plan shall include provisions for integrated pest  
2273 management, if available, proper amounts and rates of pesticide  
2274 applications, calibration of equipment and timing and frequency of  
2275 pesticide application. The plan shall be prepared and revised as  
2276 necessary in accordance with guidelines issued or approved by the  
2277 College of Agriculture and Natural Resources at The University of  
2278 Connecticut.

2279 Sec. 111. Subdivision (8) of subsection (c) of section 22a-478 of the  
2280 general statutes is repealed and the following is substituted in lieu  
2281 thereof (*Effective from passage*):

2282 (8) On or after July 1, 2002, an eligible water quality [projects]  
2283 project that exclusively [address] addresses sewer collection and  
2284 conveyance system improvements may receive a loan for one hundred  
2285 per cent of the eligible costs provided such project does not receive a  
2286 project grant. Any such sewer collection and conveyance system  
2287 improvement project shall be rated, ranked, and funded separately  
2288 from other water pollution control projects and shall be considered  
2289 only if it is highly consistent with the state's conservation and  
2290 development plan, or is primarily needed as the most cost effective  
2291 solution to an existing area-wide pollution problem and incorporates  
2292 minimal capacity for growth.

2293 Sec. 112. Subsection (a) of section 25-68d of the general statutes is  
2294 repealed and the following is substituted in lieu thereof (*Effective from*  
2295 *passage*):

2296 (a) No state agency shall undertake an activity or a critical activity  
2297 within or affecting the floodplain without first obtaining approval  
2298 from the commissioner of a certification submitted in accordance with  
2299 subsection (b) of this section or exemption by the commissioner from  
2300 such approval in accordance with subsection (d) of this section.

2301 Sec. 113. Subsection (d) of section 25-68d of the general statutes is

2302 repealed and the following is substituted in lieu thereof (*Effective from*  
2303 *passage*):

2304 (d) Any state agency proposing an activity or critical activity within  
2305 or affecting the floodplain may apply to the commissioner for  
2306 exemption from the provisions of subsection (b) of this section. Such  
2307 application shall include a statement of the reasons why such agency is  
2308 unable to comply with said subsection and any other information the  
2309 commissioner deems necessary. The commissioner, after public notice  
2310 of the application and an opportunity for a public hearing in  
2311 accordance with the provisions of chapter 54, may approve such  
2312 exemption if he determines that (1) the agency has shown that the  
2313 activity or critical activity is in the public interest, will not injure  
2314 persons or damage property in the area of such activity or critical  
2315 activity, complies with the provisions of the National Flood Insurance  
2316 Program, and, in the case of a loan or grant, the recipient of the loan or  
2317 grant has been informed that increased flood insurance premiums may  
2318 result from the activity or critical activity, or (2) in the case of a flood  
2319 control project, such project meets the criteria of subdivision (1) of this  
2320 subsection and is more cost-effective to the state and municipalities  
2321 than a project constructed to or above the base flood or base flood for a  
2322 critical activity. Following approval for exemption for a flood control  
2323 project, the commissioner shall provide notice of the hazards of a flood  
2324 greater than the capacity of the project design to each member of the  
2325 legislature whose district will be affected by the project and to the  
2326 following agencies and officials in the area to be protected by the  
2327 project: The planning and zoning commission, the inland wetlands  
2328 agency, the director of civil defense, the conservation commission, the  
2329 fire department, the police department, the chief elected official and  
2330 each member of the legislative body, and the regional planning  
2331 agency. Notice shall be given to the general public by publication in a  
2332 newspaper of general circulation in each municipality in the area in  
2333 which the project is to be located.

2334 Sec. 114. Subsection (b) of section 25-68m of the general statutes is  
2335 repealed and the following is substituted in lieu thereof (*Effective from*



2336 *passage*):

2337 (b) On or before January 1, 2007, and annually thereafter, the  
 2338 Commissioner of Environmental Protection shall prepare a report on  
 2339 grants made under section 25-68k for the preceding fiscal year. Each  
 2340 such report shall include: (1) A description of the grants made,  
 2341 including the amount [.] and purposes and the municipalities to which  
 2342 they were made; and (2) any findings or recommendations concerning  
 2343 the operation and effectiveness of the grant program.

2344 Sec. 115. Subsection (b) of section 25-109f of the general statutes is  
 2345 repealed and the following is substituted in lieu thereof (*Effective from*  
 2346 *passage*):

2347 (b) The commissions of each town referred to in subsection (a) of  
 2348 this section shall study the standards established and shall, within  
 2349 ninety days of such submission, submit to its legislative body,  
 2350 recommendations as to whether the town should vote to be governed  
 2351 by the provisions of sections 25-109c to 25-109k, inclusive. Failure of a  
 2352 commission to make such recommendations within the time limited  
 2353 therefor shall be deemed a recommendation that the town should vote  
 2354 to be so governed. Such legislative body shall vote as to whether the  
 2355 town shall be governed by the provisions of said sections.

2356 Sec. 116. Subsection (c) of section 26-17a of the general statutes is  
 2357 repealed and the following is substituted in lieu thereof (*Effective from*  
 2358 *passage*):

2359 (c) The commissioner is authorized to take land or any interests  
 2360 therein by right of eminent domain in the manner provided in section  
 2361 48-12 for the purposes for which he is authorized to acquire land under  
 2362 the provisions of subsection (b) of this section. All of the owners of  
 2363 different tracts of land which are included in the same tidal wetlands  
 2364 area may be joined in the same action.

2365 Sec. 117. Subsection (a) of section 26-27 of the general statutes is  
 2366 repealed and the following is substituted in lieu thereof (*Effective from*

2367 *passage*):

2368 (a) Except as provided in subsection (b), (c), (e) or (f) of this section  
2369 and other provisions of this chapter providing specific license  
2370 exemption, no person shall take, hunt or trap, or shall attempt to take,  
2371 hunt or trap, or assist in taking, hunting or trapping, any wild bird or  
2372 mammal and no person more than sixteen years of age shall take,  
2373 attempt to take, or assist in taking any fish or bait species in the inland  
2374 waters by any method, without first having obtained a license as  
2375 provided in this chapter. No person under sixteen years of age shall  
2376 hunt or trap, except as provided in section 26-38.

2377 Sec. 118. Section 26-92 of the general statutes is repealed and the  
2378 following is substituted in lieu thereof (*Effective from passage*):

2379 No person shall catch, kill or purchase or attempt to catch, kill or  
2380 purchase, sell, offer or expose for sale or have in possession, living or  
2381 dead, any wild bird other than a game bird, or purchase or attempt to  
2382 purchase, sell, offer or expose for sale or have in possession any part of  
2383 any such bird or of the plumage thereof except as acquired under the  
2384 provisions of this chapter. For the purposes of this section, the  
2385 following shall be considered game birds: The anatidae, or waterfowl,  
2386 including brant, wild ducks and geese; the rallidae, or rails, including  
2387 coots, gallinules and sora and other rails; the limicolae, or shore birds,  
2388 including snipe and woodcock; the gallinae, including wild turkeys,  
2389 grouse, prairie chickens, pheasants, partridge and quail; the corvidae,  
2390 including crows. No person shall take or destroy any nest or any egg  
2391 of any wild bird or game bird. No person shall possess any nest or egg  
2392 of any wild or game bird. English sparrows, starlings and, when found  
2393 depredating ornamental trees, agriculture crops, livestock or wildlife,  
2394 or when concentrated in such numbers as to constitute a public health  
2395 or public safety hazard, crows, rock doves, monk parakeets and  
2396 brown-headed cowbirds shall not be included among the birds  
2397 protected by this section. Any conservation officer and any other  
2398 officer having authority to serve criminal process shall have the same  
2399 powers relating to violations of the provisions of this section as are

2400 conferred by section 26-6.

2401 Sec. 119. Subsection (c) of section 26-192e of the general statutes is  
2402 repealed and the following is substituted in lieu thereof (*Effective from*  
2403 *passage*):

2404 (c) Notwithstanding the provisions of subsection (b) of this section,  
2405 when the Commissioner of Agriculture, after consultation with the  
2406 Commissioner of Public Health, finds that tidal flats, shores or coastal  
2407 waters which may contain shellfish are so contaminated or polluted  
2408 that a health emergency exists, he may close such area for the duration  
2409 of such emergency by giving notice of such emergency closure (1) in  
2410 writing to the municipal or district health authority, and (2) to the  
2411 general public by publication in a newspaper having general  
2412 circulation in the town, city or borough within which such area lies.  
2413 Such notice shall state when the closing shall take effect.

2414 Sec. 120. Section 26-216 of the general statutes is repealed and the  
2415 following is substituted in lieu thereof (*Effective from passage*):

2416 Any person who violates any provision of section 26-215, or who  
2417 uses any device or number not furnished by the Commissioner of  
2418 Agriculture for a boat or vessel used in cultivating or dredging for  
2419 shellfish, shall be fined not less than twenty-five dollars [nor] or more  
2420 than fifty dollars for each day that such boat or vessel is so unlawfully  
2421 used and, on conviction of a second offense, shall be fined not less than  
2422 fifty dollars [nor] or more than two hundred dollars or imprisoned not  
2423 more than thirty days, or both, for each day that such boat or vessel is  
2424 so unlawfully used.

2425 Sec. 121. Subsection (d) of section 26-235 of the general statutes is  
2426 repealed and the following is substituted in lieu thereof (*Effective from*  
2427 *passage*):

2428 (d) Any person who takes clams from an area closed and posted  
2429 against the taking of clams by the Department of Agriculture or from  
2430 an area closed by license issuance or by order of a local health

2431 department shall be fined not less than seventy-five dollars [nor] or  
 2432 more than one thousand dollars or three times the market value of any  
 2433 clams taken, based on the quantity and type involved in the violation,  
 2434 if such amount is greater than one thousand dollars, or imprisoned not  
 2435 more than twelve months.

2436 Sec. 122. Subsection (a) of section 27-102n of the general statutes is  
 2437 repealed and the following is substituted in lieu thereof (*Effective from*  
 2438 *passage*):

2439 (a) There shall be a Board of Trustees for the Department of  
 2440 Veterans' Affairs. The board shall be comprised of the commissioner  
 2441 and sixteen members who by education or experience shall be  
 2442 qualified in health care, business management, social services or law  
 2443 and who shall have a demonstrated interest in the concerns of  
 2444 veterans. A majority of the members of the board shall be veterans,  
 2445 including veterans of World War II, the Korean hostilities and the  
 2446 Vietnam era. Members shall be appointed as follows: Ten by the  
 2447 Governor who shall serve at the pleasure of the Governor and one  
 2448 member each by the president pro tempore of the Senate, the speaker  
 2449 of the House of Representatives, the majority leader of the Senate,  
 2450 [and] the majority leader of the House of Representatives, the minority  
 2451 leader of the Senate and the minority leader of the House of  
 2452 Representatives, whose [term] terms shall be coterminous with the  
 2453 term of the appointing authority. Members shall be sworn to the  
 2454 faithful performance of their duties. They shall receive no  
 2455 compensation for their services but shall be reimbursed for their  
 2456 reasonable expenses in the performance of their duties.

2457 Sec. 123. Subsection (a) of section 27-106 of the general statutes is  
 2458 repealed and the following is substituted in lieu thereof (*Effective from*  
 2459 *passage*):

2460 (a) The commissioner shall adopt and enforce such rules as may be  
 2461 necessary to ensure order, enforce discipline and preserve the health  
 2462 and ensure the comfort of the patients in the Veterans' Home, [;] and

2463 shall discipline or dismiss any officer or patient of the home who  
2464 disobeys or infringes upon such rules. The commissioner shall appoint,  
2465 subject to the provisions of chapter 67, such officers and employees as  
2466 are necessary for the administration of the affairs of the home, shall  
2467 prescribe the relative rank, if any, of such officers and employees, and  
2468 shall commission each such officer, who shall wear such uniform, if  
2469 any, as is prescribed by the commissioner.

2470 Sec. 124. Subsection (c) of section 27-122a of the general statutes is  
2471 repealed and the following is substituted in lieu thereof (*Effective from*  
2472 *passage*):

2473 (c) The land transferred to the commission under subsections (a)  
2474 and (b) of this section and not transferred to the Commissioner of  
2475 Mental Health and Addiction Services and the Connecticut Valley  
2476 Hospital shall be used by the Commissioner of Veterans' Affairs for the  
2477 establishment and maintenance of a veterans' cemetery.

2478 Sec. 125. Section 27-138c of the general statutes is repealed and the  
2479 following is substituted in lieu thereof (*Effective from passage*):

2480 Any person aggrieved by a decision of the administrator rendered  
2481 under section 27-138b may appeal such decision to a review board  
2482 composed of the Adjutant General or his or her [designate] designee,  
2483 the Attorney General or his or her [designate] designee, and the  
2484 Commissioner of Veterans' Affairs or his or her [designate] designee.  
2485 All appeals taken pursuant to this section shall be based solely upon  
2486 the record of the hearing conducted pursuant to section 27-138b. A  
2487 person aggrieved by a decision of the review board may appeal to the  
2488 Superior Court pursuant to the provisions of chapter 54.

2489 Sec. 126. Subsection (b) of section 28-9c of the general statutes is  
2490 repealed and the following is substituted in lieu thereof (*Effective from*  
2491 *passage*):

2492 (b) (1) Authority under this section shall not be exercised unless the  
2493 affected political subdivision, corporation, organization or individual

2494 owning such property shall first present an unconditional  
 2495 authorization for removal of such debris or wreckage from public and  
 2496 private property and, in the case of removal of debris or wreckage  
 2497 from private property, shall first agree to indemnify the state against  
 2498 any claim arising from such removal. [~~;(2) whenever~~] (2) Whenever  
 2499 the Governor provides for clearance of debris or wreckage pursuant to  
 2500 subsection (a) of this section, employees of the designated state  
 2501 agencies or individuals appointed by the state are authorized to enter  
 2502 upon private land or waters and perform any tasks necessary to the  
 2503 removal or clearance operation.

2504 Sec. 127. Subsection (b) of section 29-9 of the general statutes is  
 2505 repealed and the following is substituted in lieu thereof (*Effective from*  
 2506 *passage*):

2507 (b) The provisions of subsection (a) of this section shall not apply to  
 2508 rewards, gifts or gratuities which are approved by the Commissioner  
 2509 of Public Safety, or the police chief or board of police commissioners,  
 2510 as the case may be, and are given to the police officer on account of his  
 2511 official services.

2512 Sec. 128. Subsections (b) and (c) of section 29-260 of the general  
 2513 statutes are repealed and the following is substituted in lieu thereof  
 2514 (*Effective from passage*):

2515 (b) Unless otherwise provided by ordinance, charter or special act, a  
 2516 local building official who fails to perform the duties of his office may  
 2517 be dismissed by the local appointing authority and another person  
 2518 shall be appointed in his place, [~~;~~] provided, [~~that~~] prior to such  
 2519 dismissal, such local building official shall be given an opportunity to  
 2520 be heard in his own defense at a public hearing in accordance with  
 2521 subsection (c) of this section.

2522 (c) No local building official may be dismissed under subsection (b)  
 2523 of this section unless he has been given notice in writing of the specific  
 2524 grounds for such dismissal and an opportunity to be heard in his own  
 2525 defense, personally or by counsel, at a public hearing before the

2526 authority having the power of dismissal. Such public hearing shall be  
2527 held not less than five [nor] or more than ten days after such notice.  
2528 Any person so dismissed may appeal within thirty days following  
2529 such dismissal to the superior court for the judicial district in which  
2530 such town, city or borough is located. Service shall be made as in civil  
2531 process. [Such] The court shall review the record of such hearing and if  
2532 it appears that testimony is necessary for an equitable disposition of  
2533 the appeal, it may take evidence or appoint a referee or a committee to  
2534 take such evidence as [it] the court may direct and report the same to  
2535 the court with his or its findings of fact, which report shall constitute a  
2536 part of the proceedings upon which the determination of the court  
2537 shall be made. The court may affirm the action of such authority or  
2538 may set the same aside if it finds that such authority acted illegally or  
2539 abused its discretion.

2540 Sec. 129. Subsection (c) of section 29-307a of the general statutes is  
2541 repealed and the following is substituted in lieu thereof (*Effective from*  
2542 *passage*):

2543 (c) Upon receipt of any notification required under the provisions of  
2544 subsection (b) of this section, the local fire marshal shall distribute the  
2545 information contained in such notice to the persons providing fire  
2546 protection in each town, city or borough under his jurisdiction. Such  
2547 information shall be in such form and distributed in such manner as  
2548 the State Fire Marshal shall require. The local fire marshal shall  
2549 provide a complete copy of any information submitted pursuant to  
2550 subsection (b) of this section, upon written request, to the health  
2551 director of the municipality in which the establishment is located.  
2552 Notwithstanding the provisions of section 1-210, the local fire marshal,  
2553 any firefighter, a municipal health director or any water company shall  
2554 maintain the confidentiality of and not disclose such information to  
2555 any person. Any local fire marshal, firefighter, municipal health  
2556 director or any water company found to have disclosed such  
2557 information in violation of this subsection shall have committed an  
2558 infraction.

2559       Sec. 130. Subsection (c) of section 29-313 of the general statutes is  
2560 repealed and the following is substituted in lieu thereof (*Effective from*  
2561 *passage*):

2562       (c) Any person who sells, offers for sale or gives to another any fire  
2563 extinguisher or fire extinguishing device, containing or designed to  
2564 contain an active agent having an ingredient prohibited by subsection  
2565 (a) of this section shall be subject to the penalties prescribed by section  
2566 29-295.

2567       Sec. 131. Subsections (d) and (e) of section 29-349 of the general  
2568 statutes are repealed and the following is substituted in lieu thereof  
2569 (*Effective from passage*):

2570       (d) No person shall manufacture, keep, store, sell or deal in any  
2571 explosives unless such person has a valid license under the provisions  
2572 of subsection (b) of this section and obtains from the Commissioner of  
2573 Public Safety or from the fire marshal of the town where such business  
2574 is conducted a written permit therefor, which permit shall not be valid  
2575 for more than one year and for which such person shall pay a fee of  
2576 twenty-five dollars. If the permit is issued by the Commissioner of  
2577 Public Safety, the commissioner shall forward a copy thereof to the  
2578 local fire marshal. Such permit so granted shall definitely state the  
2579 location of the building where such business is to be carried on or such  
2580 explosive deposited and shall state that such building or premises  
2581 complies with the regulations provided for in this section.

2582       (e) No person shall procure, transport or use any explosives unless  
2583 such person has a valid license under subsection (b) of this section and  
2584 has obtained a written permit therefor signed by the Commissioner of  
2585 Public Safety or by the fire marshal of the town where such explosive  
2586 is to be used, specifying the name of the purchaser, the amount to be  
2587 purchased and transported and the purpose for which it is to be used.  
2588 Any such permit to use explosives shall state the number of years the  
2589 permittee has been engaged in blasting activity. Such permit shall be  
2590 valid for such period, not longer than one year, as is required to



2591 accomplish the purpose for which it was obtained. No carrier shall  
 2592 transport any such explosive until the vehicle transporting the  
 2593 explosive has been inspected and approved by the Department of  
 2594 Public Safety and unless such written permit accompanies the same  
 2595 and no person shall have in such person's possession any such  
 2596 explosive unless such person has a license and permit therefor. The fee  
 2597 for such inspection shall be twenty-five dollars. The fee for such permit  
 2598 shall be twenty dollars. Each person who has in such person's custody  
 2599 or possession any explosive or any detonating caps for explosives shall  
 2600 keep the same either under personal observation or securely locked  
 2601 up.

2602 Sec. 132. Subdivision (14) of section 30-1 of the general statutes is  
 2603 repealed and the following is substituted in lieu thereof (*Effective from*  
 2604 *passage*):

2605 (14) "Proprietor" shall include all owners of businesses or clubs,  
 2606 included in subdivision (5) of this section, whether such owners are  
 2607 individuals, partners, joint stock companies, fiduciaries, stockholders  
 2608 of corporations or otherwise, but shall not include persons or  
 2609 corporations who are merely creditors of such businesses or clubs,  
 2610 whether as note holders, bond holders or otherwise.

2611 Sec. 133. Subsection (a) of section 30-86a of the general statutes is  
 2612 repealed and the following is substituted in lieu thereof (*Effective from*  
 2613 *passage*):

2614 (a) For the purposes of section 30-86, any permittee shall require any  
 2615 person whose age is in question to fill out and sign a statement in the  
 2616 following form on one occasion when each such person makes a  
 2617 purchase:

2618 ...., 20..

2619 I, ...., hereby represent to ...., a permittee of the Connecticut  
 2620 Department of Consumer Protection, that I am over the age of 21 years,  
 2621 having been born on ...., 19.., at ..... This statement is made to induce

2622 said permittee to sell or otherwise furnish alcoholic beverages to the  
2623 undersigned. I understand that title 30 of the general statutes prohibits  
2624 the sale of alcoholic liquor to any person who is not twenty-one years  
2625 of age.

2626 I understand that I am subject to a fine of one hundred dollars for  
2627 the first offense and not more than two hundred fifty dollars for each  
2628 subsequent offense for wilfully misrepresenting my age for the  
2629 purposes set forth in this statement.

2630 .... (Name)

2631 .... (Address)

2632 Such statement once taken shall be applicable both to the particular  
2633 sale in connection with which such statement was taken, as well as to  
2634 all future sales at the same premises, and shall have full force and  
2635 effect under subsection (b) of this section as to every subsequent sale or  
2636 purchase. Such statement shall be printed upon appropriate forms to  
2637 be furnished by the permittees and approved by the Department of  
2638 Consumer Protection and shall be kept on file on the permit premises,  
2639 alphabetically indexed, in a suitable file box, and shall be open to  
2640 inspection by the Department of Consumer Protection or any of its  
2641 agents or inspectors at any reasonable time. Any person who makes  
2642 any false statement on a form signed by him as required by this section  
2643 shall be fined not more than one hundred dollars for the first offense  
2644 and not more than two hundred fifty dollars for each subsequent  
2645 offense.

2646 Sec. 134. Subsection (g) of section 30-91 of the general statutes is  
2647 repealed and the following is substituted in lieu thereof (*Effective from*  
2648 *passage*):

2649 (g) Notwithstanding any provision of subsection (a) of this section  
2650 to the contrary, food or nonalcoholic beverages may be sold, dispensed  
2651 or consumed in places operating under an airport restaurant permit,  
2652 an airport bar permit or an airport airline club permit, at any time, as

2653 allowed by agreement between the state of Connecticut and its lessees  
2654 or concessionaires.

2655 Sec. 135. Subsection (d) of section 31-33 of the general statutes is  
2656 repealed and the following is substituted in lieu thereof (*Effective from*  
2657 *passage*):

2658 (d) The commissioner may grant to a reputable employer a  
2659 certificate permitting such employer to distribute approved materials  
2660 to be processed in approved homes by home workers having permits,  
2661 upon proof that such processing in the homes is customary and  
2662 necessary in such employer's industry, that no harmful or dangerous  
2663 apparatus or substances are to be used and that the persons who are to  
2664 do the processing fulfill the requirements specified for home workers  
2665 in subsection (c) of this section. Each such employer shall pay a fee of  
2666 twenty-five dollars each year for such certificate of permission. The  
2667 commissioner may grant a permit to process specified materials in his  
2668 home to a person who fulfills the requirements for a home worker  
2669 specified in subsection (c) of this section. The commissioner may  
2670 revoke any employer's certificate or any home worker's permit, at any  
2671 time, for cause.

2672 Sec. 136. Subdivision (1) of subsection (c) of section 31-225a of the  
2673 general statutes is repealed and the following is substituted in lieu  
2674 thereof (*Effective from passage*):

2675 (c) (1) (A) Any week for which the employer has compensated the  
2676 claimant in the form of wages in lieu of notice, dismissal payments or  
2677 any similar payment for loss of wages shall be considered a week of  
2678 employment for the purpose of determining employer chargeability.  
2679 (B) No benefits shall be charged to any employer who paid wages of  
2680 five hundred dollars or less to the claimant in his base period. (C) No  
2681 dependency allowance paid to a claimant shall be charged to any  
2682 employer. (D) In the event of a natural disaster declared by the  
2683 President of the United States, no benefits paid on the basis of total or  
2684 partial unemployment which is the result of physical damage to a

2685 place of employment caused by severe weather conditions including,  
2686 but not limited to, hurricanes, snow storms, ice storms or flooding, or  
2687 fire except where caused by the employer, shall be charged to any  
2688 employer. (E) If the administrator finds that (i) an individual's most  
2689 recent separation from a base period employer occurred under  
2690 conditions which would result in disqualification by reason of  
2691 subdivision (2), (6) or (9) of subsection (a) of section 31-236, or (ii) an  
2692 individual was discharged for violating an employer's drug testing  
2693 policy, provided the policy has been adopted and applied consistent  
2694 with sections 31-51t to 31-51aa, inclusive, section 14-261b and any  
2695 applicable federal law, no benefits paid thereafter to such individual  
2696 with respect to any week of unemployment which is based upon  
2697 wages paid by such employer with respect to employment prior to  
2698 such separation shall be charged to such employer's account, provided  
2699 such employer shall have filed a notice with the administrator within  
2700 the time allowed for appeal in section 31-241. (F) No base period  
2701 employer's account shall be charged with respect to benefits paid to a  
2702 claimant if such employer continues to employ such claimant at the  
2703 time the employer's account would otherwise have been charged to the  
2704 same extent that he employed him during the individual's base period,  
2705 provided the employer shall notify the administrator within the time  
2706 allowed for appeal in section 31-241. (G) If a claimant has failed to  
2707 accept suitable employment under the provisions of subdivision (1) of  
2708 subsection (a) of section 31-236 and the disqualification has been  
2709 imposed, the account of the employer who makes an offer of  
2710 employment to a claimant who was a former employee shall not be  
2711 charged with any benefit payments made to such claimant after such  
2712 initial offer of reemployment until such time as such claimant resumes  
2713 employment with such employer, provided such employer shall make  
2714 application therefor in a form acceptable to the administrator. The  
2715 administrator shall notify such employer whether or not his  
2716 application is granted. Any decision of the administrator denying  
2717 suspension of charges as herein provided may be appealed within the  
2718 time allowed for appeal in section 31-241. (H) Fifty per cent of benefits  
2719 paid to a claimant under the federal-state extended duration

unemployment benefits program established by the federal Employment Security Act shall be charged to the experience accounts of the claimant's base period employers in the same manner as the regular benefits paid for such benefit year. (I) No base period employer's account shall be charged with respect to benefits paid to a claimant who voluntarily left suitable work with such employer (i) to care for a seriously ill spouse, parent or child or (ii) due to the discontinuance of the transportation used by the claimant to get to and from work, as provided in subparagraphs (A)(ii) and (A)(iii) of subdivision (2) of subsection (a) of section 31-236.

Sec. 137. Subsection (a) of section 31-235 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) An unemployed individual shall be eligible to receive benefits with respect to any week only if it has been found that (1) he has made claim for benefits in accordance with the provisions of section 31-240 and has registered for work at the public employment bureau or other agency designated by the administrator within such time limits, with such frequency and in such manner as the administrator may prescribe, provided failure to comply with this condition may be excused by the administrator upon a showing of good cause therefor; (2) except as provided in subsection (b) of this section, he is physically and mentally able to work and is available for work and has been and is making reasonable efforts to obtain work, provided he shall not be considered to be unavailable for work solely because he is attending a school, college or university as a regularly enrolled student during his separation from employment, within the limitations of subdivision [(a)] (6) of subsection (a) of section 31-236, and provided further, he shall not be considered to be lacking in his efforts to obtain work if, as a student, he restricts such efforts to employment which does not conflict with his regular class hours as a student, and provided the administrator shall not use prior "patterns of unemployment" of the individual to determine whether he is available for work; (3) he has been paid wages by an employer who was subject to the provisions of

2754 this chapter during the base period of his current benefit year in an  
2755 amount at least equal to forty times his benefit rate for total  
2756 unemployment, [ : Provided] provided an unemployed individual who  
2757 is sixty-two years of age or older and is involuntarily retired under a  
2758 compulsory retirement policy or contract provision shall be eligible for  
2759 benefits with respect to any week, notwithstanding subdivisions (1)  
2760 and (2) of this [section] subsection, if it is found by the administrator  
2761 that he has made claim for benefits in accordance with the provisions  
2762 of section 31-240, has registered for work at the public employment  
2763 bureau, is physically and mentally able to work, is available for work,  
2764 meets the requirements of this subdivision and has not refused  
2765 suitable work to which he has been referred by the administrator; (4)  
2766 he participates in reemployment services, such as job search assistance  
2767 services, if the individual has been determined to be likely to exhaust  
2768 regular benefits and need reemployment services pursuant to a  
2769 profiling system established by the administrator unless the  
2770 administrator determines that (A) the individual has completed such  
2771 services, or (B) there is justifiable cause for the individual's failure to  
2772 participate in such services. The administrator shall adopt regulations,  
2773 in accordance with the provisions of chapter 54, for the administration  
2774 of the profiling system. For purposes of subdivision (2) of this [section]  
2775 subsection, "patterns of unemployment" means regularly recurring  
2776 periods of unemployment of the claimant in the years prior to his filing  
2777 the claim in question.

2778 Sec. 138. Subsection (a) of section 31-236b of the general statutes is  
2779 repealed and the following is substituted in lieu thereof (*Effective from*  
2780 *passage*):

2781 (a) Notwithstanding any other provisions in this chapter, an  
2782 otherwise eligible individual shall not be denied benefits for any week  
2783 because he is in training with the approval of the administrator by  
2784 reason of the application of subdivision (2) of subsection (a) of section  
2785 31-235 relating to availability for work, or the provisions of subdivision  
2786 [(a)(1)] (1) of subsection (a) of section 31-236 relating to failure to apply  
2787 for, or a refusal to accept, suitable work.

2788 Sec. 139. Subdivision (2) of subsection (b) of section 31-273 of the  
2789 general statutes is repealed and the following is substituted in lieu  
2790 thereof (*Effective from passage*):

2791 (2) Any person who has made a claim for benefits under this  
2792 chapter and has knowingly made a false statement or representation or  
2793 has knowingly failed to disclose a material fact in order to obtain  
2794 benefits or to increase the amount of benefits to which such person  
2795 may be entitled under this chapter shall forfeit benefits for not less  
2796 than one [nor] or more than thirty-nine compensable weeks following  
2797 determination of such offense or offenses, during which weeks such  
2798 person would otherwise have been eligible to receive benefits. For the  
2799 purposes of section 31-231b, such person shall be deemed to have  
2800 received benefits for such forfeited weeks. This penalty shall be in  
2801 addition to any other applicable penalty under this section and in  
2802 addition to the liability to repay any moneys so received by such  
2803 person and shall not be confined to a single benefit year.

2804 Sec. 140. Subsection (e) of section 32-9qq of the general statutes is  
2805 repealed and the following is substituted in lieu thereof (*Effective from*  
2806 *passage*):

2807 (e) Each grant made under this section shall be authorized pursuant  
2808 to regulations adopted by the Department of Economic and  
2809 Community Development in accordance with the provisions of chapter  
2810 54, which regulations may include, but shall not be limited to,  
2811 provisions concerning application requirements, grant amounts and  
2812 eligible use of funds, provided the amount of any grant under  
2813 subsection (b) of this section shall be not more than the amount  
2814 specified in said subsection.

2815 Sec. 141. Section 32-70d of the general statutes is repealed and the  
2816 following is substituted in lieu thereof (*Effective from passage*):

2817 Within thirty days after the Commissioner of Economic and  
2818 Community Development approves the designation of an area as an  
2819 enterprise zone in a municipality under subdivision (2) of subsection

2820 (c) of section 32-70, the municipality shall establish a community  
2821 enterprise zone board. The board shall establish policy for the  
2822 promotion and development of the zone, coordinate economic  
2823 development programs in the zone with related job training and social  
2824 services programs and adopt an enterprise zone revitalization plan.  
2825 The plan shall specify goals and objectives for the enterprise zone,  
2826 describe strategies to attain such goals and establish an  
2827 implementation schedule. The municipality shall submit its plan to the  
2828 Commissioner of Economic and Community Development for review  
2829 and comment. The board shall consist of (1) the following officials of  
2830 such municipality, or designees of such officials: The official  
2831 responsible for economic development programs; the chief executive  
2832 official, or his designee; a representative of the legislative body, who  
2833 shall be appointed by such body; the chief of police, or his designee;  
2834 the housing administrator, or his designee; and a representative of the  
2835 school board, who shall be appointed by such board; (2) a  
2836 representative of the regional community-technical college serving the  
2837 region in which the municipality is located, if applicable, who shall be  
2838 appointed by the chief executive officer of such college; (3) two  
2839 representatives of the business community of the municipality, one of  
2840 whom shall be a member of the chamber of commerce from the  
2841 municipality; (4) two persons who own businesses located in the  
2842 enterprise zone; and (5) two representatives of neighborhood  
2843 community organizations serving the area in which the zone is located  
2844 or, if no such organization exists, two residents of said area. The board  
2845 members described in subdivisions (3), (4) and (5) of this section shall  
2846 be appointed by the chief executive official of the municipality.

2847 Sec. 142. Subdivision (a) of section 38a-363 of the general statutes is  
2848 repealed and the following is substituted in lieu thereof (*Effective from*  
2849 *passage*):

2850 (a) "Injury" means bodily injury, sickness or disease, including death  
2851 resulting therefrom, accidentally caused and arising out of the  
2852 ownership, maintenance or use of a private passenger motor vehicle or  
2853 a vehicle with a commercial registration, as defined in subdivision



2854 [(12)] (14) of subsection (a) of section 14-1.

2855 Sec. 143. Subsection (c) of section 42-103c of the general statutes is  
2856 repealed and the following is substituted in lieu thereof (*Effective from*  
2857 *passage*):

2858 (c) Each registration shall be valid for a period of one year or a part  
2859 thereof and shall expire on December thirty-first of each year and may  
2860 be renewed for additional one-year periods on or before January first  
2861 of the next and each following year upon written application under  
2862 oath in the form prescribed by the commissioner and containing such  
2863 information as he may require and the filing of the bond prescribed in  
2864 subsection (b) of this section.

2865 Sec. 144. Subsection (d) of section 42-116t of the general statutes is  
2866 repealed and the following is substituted in lieu thereof (*Effective from*  
2867 *passage*):

2868 (d) The rights and duties created under section 42-116s and this  
2869 section: (1) Shall, with respect to the artist, or if any artist is deceased,  
2870 his heir, legatee or designated personal representative, exist until the  
2871 fiftieth anniversary of the death of such artist, (2) shall exist in addition  
2872 to any other rights and duties which may be applicable on or after  
2873 October 1, 1988, and (3) except as provided in subsection (e) of this  
2874 section, may not be waived except by an instrument in writing  
2875 expressly so providing which is signed by the artist.

2876 Sec. 145. Subsection (b) of section 42-133w of the general statutes is  
2877 repealed and the following is substituted in lieu thereof (*Effective from*  
2878 *passage*):

2879 (b) Compensation under subsection (a) of this section shall be paid  
2880 by the manufacturer or distributor within ninety days of the effective  
2881 date of termination, cancellation or nonrenewal if the dealer has title to  
2882 the vehicle inventory and other items and is able to convey title to the  
2883 manufacturer or distributor.

2884 Sec. 146. Section 42-205 of the general statutes is repealed and the  
2885 following is substituted in lieu thereof (*Effective from passage*):

2886 A funeral service contract shall not be deemed a burial insurance  
2887 policy under section [38-32] 38a-464.

2888 Sec. 147. Subdivision (4) of section 42-240 of the general statutes is  
2889 repealed and the following is substituted in lieu thereof (*Effective from*  
2890 *passage*):

2891 (4) "Rent-to-own agreement" means an agreement for the use of  
2892 personal property by an individual primarily for personal, family or  
2893 household purposes, for an initial period of four months or less,  
2894 whether or not there is any obligation beyond the initial period, that is  
2895 automatically renewable with each payment and that permits the  
2896 consumer to become the owner of the property. Any rent-to-own  
2897 agreement which complies with sections 42-240 to 42-253, inclusive,  
2898 shall not be construed to be, [nor] or be governed by the laws of this  
2899 state regulating, any of the following:

2900 (A) A ["retail installment contract"] retail installment contract, as  
2901 defined in section 36a-770;

2902 (B) A ["security interest" as that term is] security interest, as defined  
2903 in [section 42a-1-201(37)] subdivision (37) of section 42a-1-201.

2904 Sec. 148. Subsection (b) of section 45a-56 of the general statutes is  
2905 repealed and the following is substituted in lieu thereof (*Effective from*  
2906 *passage*):

2907 (b) Any member of the probate judges and employees retirement  
2908 system who is retired and receiving benefits from such system, and the  
2909 spouse of any such member, and upon the death of any such member,  
2910 such member's surviving spouse, while receiving benefits from such  
2911 system, may elect to participate in the group insurance plan procured  
2912 by the Comptroller under subsection (a) of this section.

2913 Sec. 149. Subsection (d) of section 45a-56 of the general statutes is

2914 repealed and the following is substituted in lieu thereof (*Effective from*  
2915 *passage*):

2916 (d) Any such member and spouse or surviving spouse who is a  
2917 participant in the group insurance plan in effect prior to October 1,  
2918 1994, may elect to participate in the plan set forth in subsection (a) of  
2919 this section at the premiums set forth in subsection (c) of this section,  
2920 provided such election is made within sixty days of October 1, 1994.

2921 Sec. 150. Subsection (c) of section 45a-82 of the general statutes is  
2922 repealed and the following is substituted in lieu thereof (*Effective from*  
2923 *passage*):

2924 (c) All payments from said fund authorized by sections 5-259, 17a-  
2925 77, 17a-274, 17a-498, 17a-510, 19a-131b, 19a-131e, 19a-221, 45a-1 to 45a-  
2926 12, inclusive, 45a-18 to 45a-26, inclusive, 45a-34 to 45a-56, inclusive,  
2927 [sections] 45a-62 to 45a-68, inclusive, 45a-74 to 45a-83, inclusive, 45a-90  
2928 to 45a-94, inclusive, 45a-98, 45a-99, 45a-105, 45a-119 to 45a-123,  
2929 inclusive, 45a-128, 45a-130, 45a-131, 45a-133, 45a-152, 45a-175 to 45a-  
2930 180, inclusive, 45a-199 and 45a-202, shall be made upon vouchers  
2931 approved by the Probate Court Administrator.

2932 Sec. 151. Subsection (a) of section 45a-187 of the general statutes is  
2933 repealed and the following is substituted in lieu thereof (*Effective from*  
2934 *passage*):

2935 (a) An appeal under section 45a-186 by persons of the age of  
2936 majority [and] who are present or who have legal notice to be present,  
2937 or who have been given notice of their right to request a hearing or  
2938 have filed a written waiver of their right to a hearing, shall be taken  
2939 within thirty days, except as otherwise provided in this section. If such  
2940 persons have no notice to be present and are not present, or have not  
2941 been given notice of their right to request a hearing, such appeal shall  
2942 be taken within twelve months, except for appeals by such persons  
2943 from an order of termination of parental rights, other than an order of  
2944 termination of parental rights based on consent, or a decree of  
2945 adoption, in which case appeal shall be taken within ninety days. An

2946 appeal from an order of termination of parental rights based on  
2947 consent, which order is issued on or after October 1, 2004, shall be  
2948 taken within twenty days.

2949 Sec. 152. Subsection (c) of section 45a-676 of the general statutes is  
2950 repealed and the following is substituted in lieu thereof (*Effective from*  
2951 *passage*):

2952 (c) For the purposes of sections 45a-669 to [45a-784] 45a-684,  
2953 inclusive, [and section 46b-29,] any alleged inability of the respondent  
2954 must be evidenced by recent behavior which would cause harm or  
2955 create a risk of harm, by clear and convincing proof.

2956 Sec. 153. Subdivision (4) of section 45a-690 of the general statutes is  
2957 repealed and the following is substituted in lieu thereof (*Effective from*  
2958 *passage*):

2959 (4) "Best interest" shall include all of the following factors: (A) Less  
2960 drastic alternative contraceptive methods have proved unworkable or  
2961 inapplicable, (B) the individual is physiologically sexually mature, (C)  
2962 there is no evidence of infertility, (D) the individual has the capability  
2963 and a reasonable opportunity for sexual activity, (E) the individual is  
2964 unable to understand reproduction or contraception and there exists  
2965 the likely permanence of that inability, (F) the physical or emotional  
2966 inability to care for [the] a child, (G) the proponents of the sterilization  
2967 are seeking sterilization in good faith and their primary concern is for  
2968 the best interests of the respondent rather than their own convenience  
2969 or the convenience of the public, and (H) in the case of females,  
2970 procreation would endanger the life or severely impair the health of  
2971 the individual.

2972 Sec. 154. Subparagraph (B) of subdivision (5) of section 46a-11 of the  
2973 general statutes is repealed and the following is substituted in lieu  
2974 thereof (*Effective from passage*):

2975 (B) Such person does not indicate refusal to give consent to receipt  
2976 [to] of the information by the director.

2977 Sec. 155. Subsection (c) of section 46a-58 of the general statutes is  
2978 repealed and the following is substituted in lieu thereof (*Effective from*  
2979 *passage*):

2980 (c) Any person who places a burning cross or a simulation thereof  
2981 on any public property, or on any private property without the written  
2982 consent of the owner, shall be in violation of subsection (a) of this  
2983 section.

2984 Sec. 156. Subdivision (4) of subsection (d) of section 46a-82e of the  
2985 general statutes is repealed and the following is substituted in lieu  
2986 thereof (*Effective from passage*):

2987 (4) If the commission and parties agree on a date certain, the court  
2988 shall order the commission to issue a finding by said date. If the  
2989 allegations of the petition are contested, the court shall hold a hearing  
2990 on the petition and issue an appropriate order. Hearing of oral  
2991 argument on the petition shall take precedence over other matters in  
2992 the court, as provided in section 46a-96. The court shall award court  
2993 costs and attorney's fees to the petitioner, provided such party is a  
2994 "person", as defined in [subsection (l) of] section 4-184a, unless the  
2995 commission shows good cause for not issuing the finding of reasonable  
2996 cause or no reasonable cause within two years of the date of filing or  
2997 the date ordered by the executive director for the investigator to issue  
2998 such finding, whichever is later. An award of court costs and attorney's  
2999 fees shall be subject to the court's discretion, but shall not exceed a  
3000 total of five hundred dollars.

3001 Sec. 157. Subsection (e) of section 46b-38c of the general statutes is  
3002 repealed and the following is substituted in lieu thereof (*Effective from*  
3003 *passage*):

3004 (e) A protective order issued under this section may include  
3005 provisions necessary to protect the victim from threats, harassment,  
3006 injury or intimidation by the defendant, including, but not limited to,  
3007 an order enjoining the defendant from (1) imposing any restraint upon  
3008 the person or liberty of the victim, (2) threatening, harassing,

3009 assaulting, molesting or sexually assaulting the victim, or (3) entering  
3010 the family dwelling or the dwelling of the victim. Such order shall be  
3011 made a condition of the bail or release of the defendant and shall  
3012 contain the following language: "In accordance with section 53a-223 of  
3013 the Connecticut general statutes, any violation of this order constitutes  
3014 criminal violation of a protective order which is punishable by a term  
3015 of imprisonment of not more than five years, a fine of not more than  
3016 five thousand dollars, or both. Additionally, in accordance with section  
3017 53a-107 of the Connecticut general statutes, entering or remaining in a  
3018 building or any other premises in violation of this order constitutes  
3019 criminal trespass in the first degree which is punishable by a term of  
3020 imprisonment of not more than one year, a fine of not more than two  
3021 thousand dollars, or both. Violation of this order also violates a  
3022 condition of your bail or release, and may result in raising the amount  
3023 of bail or revoking release." Every order of the court made in  
3024 accordance with this section after notice and hearing shall also contain  
3025 the following language: "This court had jurisdiction over the parties  
3026 and the subject matter when it issued this protection order.  
3027 Respondent was afforded both notice and opportunity to be heard in  
3028 the hearing that gave rise to this order. Pursuant to the Violence  
3029 Against Women Act of 1994, 18 USC 2265, this order is valid and  
3030 enforceable in all fifty states, any territory or possession of the United  
3031 States, the District of Columbia, the Commonwealth of Puerto Rico  
3032 and tribal lands." The information contained in and concerning the  
3033 issuance of any protective order issued under this section shall be  
3034 entered in the registry of protective orders pursuant to section 51-5c.

3035 Sec. 158. Subdivision (1) of subsection (m) of section 46b-231 of the  
3036 general statutes is repealed and the following is substituted in lieu  
3037 thereof (*Effective from passage*):

3038 (1) A family support magistrate in IV-D support cases may compel  
3039 the attendance of witnesses or the obligor under a summons issued  
3040 pursuant to sections 17b-745, 46b-172 [,] and 46b-215, [or under] a  
3041 subpoena issued pursuant to section 52-143, or a citation for failure to  
3042 obey an order of a family support magistrate or a judge of the Superior

3043 Court. If a person is served with any such summons, subpoena or  
3044 citation issued by a family support magistrate or the assistant clerk of  
3045 the Family Support Magistrate Division and fails to appear, a family  
3046 support magistrate may issue a *capias mittimus* directed to a proper  
3047 officer to arrest the obligor or the witness and bring him before a  
3048 family support magistrate. Whenever such a *capias mittimus* is  
3049 ordered, the family support magistrate shall establish a recognizance  
3050 to the state of Connecticut in the form of a bond of such character and  
3051 amount as to assure the appearance of the obligor at the next regular  
3052 session of the Family Support Magistrate Division in the judicial  
3053 district in which the matter is pending. If the obligor posts such a  
3054 bond, and thereafter fails to appear before the family support  
3055 magistrate at the time and place he is ordered to appear, the family  
3056 support magistrate may order the bond forfeited, and the proceeds  
3057 thereof paid to the state in TANF cases or the obligee in non-TANF  
3058 cases.

3059 Sec. 159. Subdivision (4) of subsection (m) of section 46b-231 of the  
3060 general statutes is repealed and the following is substituted in lieu  
3061 thereof (*Effective from passage*):

3062 (4) Motions for modification of existing child and spousal support  
3063 orders entered by the Superior Court in IV-D support cases, including  
3064 motions to modify existing child and spousal support orders entered  
3065 in actions brought pursuant to chapter 815j, shall be brought in the  
3066 Family Support Magistrate Division and decided by a family support  
3067 magistrate. Family support magistrates, in deciding if a spousal or  
3068 child support order should be modified, shall make such  
3069 determination based upon the criteria set forth in [section] sections  
3070 46b-84 and [section] 46b-215b. A person who is aggrieved by a decision  
3071 of a family support magistrate modifying a Superior Court order is  
3072 entitled to appeal such decision in accordance with the provisions of  
3073 subsection (n) of this section.

3074 Sec. 160. Subsection (c) of section 47-5 of the general statutes is  
3075 repealed and the following is substituted in lieu thereof (*Effective from*

3076 *passage*):

3077 (c) Nothing in subsection (b) of this section precludes the use of any  
3078 other legal form of execution of deed or other conveyance of real  
3079 property.

3080 Sec. 161. Subsection (a) of section 47-12a of the general statutes is  
3081 repealed and the following is substituted in lieu thereof (*Effective from*  
3082 *passage*):

3083 (a) An affidavit, which states facts relating to the matters named in  
3084 subsection (b) of this section and which may affect the title to or any  
3085 interest in real estate in this state, and which is made by any person  
3086 having knowledge of the facts or competent to testify concerning them  
3087 in open court, may be recorded in the land records of the town in  
3088 which the real estate is situated. If so recorded, and if the affiant is  
3089 dead or otherwise not available to testify in court, then the affidavit, or  
3090 a certified copy of it, is admissible as prima facie evidence of the facts  
3091 stated in it, so far as those facts affect title to real estate in any action  
3092 involving the title to that real estate or any interest in it.

3093 Sec. 162. Subsection (b) of section 47-70a of the general statutes is  
3094 repealed and the following is substituted in lieu thereof (*Effective from*  
3095 *passage*):

3096 (b) The declarant may require a unit owner or purchaser to execute  
3097 and to deliver to the declarant a power of attorney or other document  
3098 assigning to the declarant the right of a unit owner to vote on the  
3099 amendment of condominium instruments pursuant to subsection (a) of  
3100 this section, provided [that] such power of attorney or other document  
3101 shall be exercised or implemented only to amend the condominium  
3102 instruments for the purpose of adding additional land in an  
3103 expandable condominium pursuant to section 47-71a, and to reallocate  
3104 the undivided interests in the common elements resulting from such  
3105 expansion [,] pursuant to subsection (c) of section 47-74, and the power  
3106 of attorney or other document shall be expressly so limited.



3107 Sec. 163. Subsection (c) of section 47-88 of the general statutes is  
3108 repealed and the following is substituted in lieu thereof (*Effective from*  
3109 *passage*):

3110 (c) Upon removal of the property from the provisions of this  
3111 chapter, any rights the unit owners may have to the assets of the unit  
3112 owners' association shall be in proportion to their respective undivided  
3113 interests in the common elements immediately prior to the recordation  
3114 of the instrument referred to in subsection (a) of this section.

3115 Sec. 164. Subsection (c) of section 47-90a of the general statutes is  
3116 repealed and the following is substituted in lieu thereof (*Effective from*  
3117 *passage*):

3118 (c) Every person who directly or indirectly controls a declarant  
3119 liable under subsection (a) of this section, every general partner, officer  
3120 or director of a declarant and every person occupying a similar status  
3121 or performing a similar function, every employee of the declarant who  
3122 materially aids in the disposition, and every agent who materially aids  
3123 in the disposition is also liable jointly and severally with and to the  
3124 same extent as the declarant, provided the plaintiff sustains the burden  
3125 of proof that such person knew or, in the exercise of reasonable care  
3126 expected by such persons in the reasonable exercise of their duties,  
3127 should have known of the existence of the facts by reason of which the  
3128 liability is alleged to exist. There is a right to contribution in cases of  
3129 contract among persons so liable. No person shall be liable under this  
3130 section whose relationship to the declarant or other person consists  
3131 solely of rendering professional and other customary services,  
3132 including, but not limited to: (1) An attorney-at-law, architect, land  
3133 surveyor or engineer; (2) a lending institution which is not a declarant  
3134 whose relationship to the declarant consists solely of rendering  
3135 customary banking services and holding a mortgage on all or a portion  
3136 of the condominium which mortgage, or agreements or instruments  
3137 relating thereto, may contain mutual covenants and agreements  
3138 concerning the approval of the condominium instruments and  
3139 amendments thereto, and regulates the activity of the declarant under

3140 the condominium instruments or an officer, director or employee of  
3141 such lending institution; (3) a real estate broker or salesman whose  
3142 relationship to the declarant consists solely of rendering services  
3143 described in subdivision (3) of section 20-311 and other customary  
3144 services; or (4) a person whose sole involvement in the disposition of a  
3145 condominium unit occurs subsequent to the date of the act or omission  
3146 out of which any liability under subsection (a) of this section arises.

3147       Sec. 165. Subsection (b) of section 47-206 of the general statutes is  
3148 repealed and the following is substituted in lieu thereof (*Effective from*  
3149 *passage*):

3150       (b) Except as provided in subsection (a) of this section, if part of a  
3151 unit is acquired by eminent domain, the award shall compensate the  
3152 unit owner for the reduction in value of the unit and its interest in the  
3153 common elements, whether or not any common elements are acquired.  
3154 On acquisition, unless the decree otherwise provides, (1) that unit's  
3155 allocated interests are reduced in proportion to the reduction in the  
3156 size of the unit, or on any other basis specified in the declaration, and  
3157 (2) the portion of the allocated interests divested from the partially  
3158 acquired unit are automatically reallocated to that unit and to the  
3159 remaining units in proportion to the respective allocated interests of  
3160 those units before the taking, with the partially-acquired unit  
3161 participating in the reallocation on the basis of its reduced allocated  
3162 interests.

3163       Sec. 166. Subsection (e) of section 47-237 of the general statutes is  
3164 repealed and the following is substituted in lieu thereof (*Effective from*  
3165 *passage*):

3166       (e) The association, on behalf of the unit owners, may contract for  
3167 the sale of real property in a common interest community, but the  
3168 contract is not binding on the unit owners until approved pursuant to  
3169 subsections (a) and (b) of this section. If any real property is to be sold  
3170 following termination, title to that real property, on termination, vests  
3171 in the association as trustee for the holders of all interests in the units.

3172 Thereafter, the association has all powers necessary and appropriate to  
 3173 effect the sale. Until the sale has been concluded and the proceeds  
 3174 thereof distributed, the association continues in existence with all  
 3175 powers it had before termination. Proceeds of the sale shall be  
 3176 distributed to unit owners and lien holders, as their interests may  
 3177 appear, in accordance with subsections (h), (i) and (j) of this section.  
 3178 Unless otherwise specified in the termination agreement, as long as the  
 3179 association holds title to the real property, each unit owner and the  
 3180 unit owner's successors in interest have an exclusive right to  
 3181 occupancy of the portion of the real property that formerly constituted  
 3182 the unit. During the period of that occupancy, each unit owner and the  
 3183 unit owner's successors in interest remain liable for all assessments  
 3184 and other obligations imposed on unit owners by this chapter or the  
 3185 declaration.

3186 Sec. 167. Subsection (d) of section 47-245 of the general statutes is  
 3187 repealed and the following is substituted in lieu thereof (*Effective from*  
 3188 *passage*):

3189 (d) Subject to the provisions of subsection (e) of this section, the  
 3190 declaration may provide for a period of declarant control of the  
 3191 association, during which a declarant, or persons designated by him,  
 3192 may appoint and remove the officers and members of the executive  
 3193 board. Regardless of the period provided in the declaration, a period of  
 3194 declarant control terminates no later than the earlier of: (1) Sixty days  
 3195 after conveyance of sixty per cent of the units that may be created to  
 3196 unit owners other than a declarant, except that in the case of a master  
 3197 planned community, control terminates no later than sixty days after  
 3198 conveyance to unit owners other than the declarant of sixty per cent of  
 3199 the maximum number of units that may be built, if that number is  
 3200 specified, or, if no such number is specified, after conveyance to unit  
 3201 owners other than the declarant of three hundred units; (2) two years  
 3202 after all declarants have ceased to offer units for sale in the ordinary  
 3203 course of business; (3) two years after any right to add new units was  
 3204 last exercised; or (4) the date the declarant, after giving written notice  
 3205 to unit owners, records an instrument voluntarily surrendering all

3206 rights to control activities of the association. A declarant may  
3207 voluntarily surrender the right to appoint and remove officers and  
3208 members of the executive board before termination of that period, but  
3209 in that event the declarant may require, for the duration of the period  
3210 of declarant control, that specified actions of the association or  
3211 executive board, as described in a recorded instrument executed by the  
3212 declarant, be approved by the declarant before they become effective.

3213 Sec. 168. Subsection (a) of section 47a-30 of the general statutes is  
3214 repealed and the following is substituted in lieu thereof (*Effective from*  
3215 *passage*):

3216 (a) When any farm employee or any domestic servant, caretaker,  
3217 manager or other employee as described in [subsection (b) of] section  
3218 47a-36 occupies a dwelling, dwelling unit or tenement furnished by his  
3219 employer and when his employment is terminated by himself or his  
3220 employer, or such employee fails to report for employment, and fails  
3221 to vacate the premises in which he is residing, he shall be given not  
3222 less than three days' notice to quit possession of such premises on the  
3223 form prescribed by section 47a-23.

3224 Sec. 169. Subsection (c) of section 49-32a of the general statutes is  
3225 repealed and the following is substituted in lieu thereof (*Effective from*  
3226 *passage*):

3227 (c) (1) If a notice of federal tax lien or other federal lien, a refiling of  
3228 a notice of tax lien or other federal lien or a notice of revocation of any  
3229 certificate described in subdivision (2) of this subsection is presented to  
3230 the filing officer and (A) the filing officer is the Secretary of the State,  
3231 said secretary shall cause the notice to be marked, held and indexed in  
3232 accordance with the provisions of section 42a-9-519 as if the notice  
3233 were a financing statement within the meaning of that section; or (B)  
3234 the filing officer is a town clerk, such town clerk shall endorse thereon  
3235 such town clerk's identification and the date and time of receipt and  
3236 forthwith record it in accordance with section 42a-9-519. (2) If a  
3237 certificate of release, nonattachment, discharge or subordination of any

3238 tax lien or other federal lien is presented to the Secretary of the State  
3239 for filing, said secretary shall (A) cause a certificate of release or  
3240 nonattachment to be marked, held and indexed as if the certificate  
3241 were a termination statement within the meaning of the Uniform  
3242 Commercial Code, and (B) cause a certificate of discharge or  
3243 subordination to be held, marked and indexed as if the certificate were  
3244 a release of collateral within the meaning of the Uniform Commercial  
3245 Code. (3) If a refiled notice of federal tax lien or other federal lien  
3246 referred to in subdivision (1) of this subsection or any of the certificates  
3247 or notices referred to in subsection (b) of this section is presented for  
3248 filing with any other filing officer specified in subsection (a) of this  
3249 section, such filing officer shall record it in accordance with section  
3250 42a-9-519 if the original was recorded or, if the original was filed,  
3251 permanently attach the refiled notice or the certificate to the original  
3252 notice of lien and enter the refiled notice or the certificate with the date  
3253 of filing in any alphabetical federal tax lien index or other federal lien  
3254 index on the line where the original notice of lien is entered. (4) Upon  
3255 request of any person, the filing officer shall issue a certificate showing  
3256 whether there is on file, on the date and hour stated therein, any notice  
3257 of federal tax lien or other federal lien or certificate or notice affecting  
3258 the lien, filed on or after July 1, 1967, naming a particular person, and  
3259 if a notice or certificate is on file, giving the date and hour of filing of  
3260 each notice or certificate. The fee for such a certificate and for a copy of  
3261 any notice of federal tax lien or other federal lien or notice or certificate  
3262 affecting a federal tax lien or other federal lien shall be computed in  
3263 accordance with section 42a-9-525.

3264 Sec. 170. Section 49-92g of the general statutes is repealed and the  
3265 following is substituted in lieu thereof (*Effective from passage*):

3266 Any person who stores, cares for, maintains, repairs, or furnishes  
3267 any services, gasoline, accessories, materials or other supplies at the  
3268 request of or with the consent of the owner, his agent or legal  
3269 possessor of an aircraft, as defined in section 15-34, has a lien upon  
3270 [and may retain possession of] the aircraft until the sum due for any  
3271 fees, expenses or charges for such storage, care, maintenance [,] or

3272 repair or the furnishing of such services, gasoline, accessories,  
3273 materials or other supplies has been paid. The lienor shall be entitled  
3274 to retain possession of the aircraft until the amount of fees, expenses or  
3275 charges for such storage, care, maintenance [ ] or repair or the  
3276 furnishing of such services, gasoline, accessories, materials or other  
3277 supplies has been paid or the lien has been dissolved. The lien shall be  
3278 superior to all other liens, except liens for taxes. Any person entitled to  
3279 a lien pursuant to this section shall, within ninety days after the date  
3280 upon which work or services were performed or when such fees,  
3281 expenses or charges were incurred, file a verified statement in the  
3282 office of the Secretary of the State, pursuant to the provisions of  
3283 sections 49-92h and 49-92i.

3284 Sec. 171. Subsection (f) of section 51-44a of the general statutes is  
3285 repealed and the following is substituted in lieu thereof (*Effective from*  
3286 *passage*):

3287 (f) Except as provided in subsection (e) of this section, the  
3288 commission shall seek qualified candidates for consideration by the  
3289 Governor for nomination as judges for the Superior Court, Appellate  
3290 Court and Supreme Court. The commission shall adopt regulations, in  
3291 accordance with the provisions of chapter 54, concerning criteria by  
3292 which to evaluate the qualifications of candidates, including  
3293 incumbent judges who seek appointment to a different court. The  
3294 commission shall investigate and interview the candidates, including  
3295 incumbent judges seeking appointment to a different court. A list of  
3296 such qualified candidates shall be compiled by the commission.

3297 Sec. 172. Subsection (c) of section 51-190a of the general statutes is  
3298 repealed and the following is substituted in lieu thereof (*Effective from*  
3299 *passage*):

3300 (c) When an action is tried by a judge of the Superior Court other  
3301 than those mentioned in subsections (a) and (b) of this section, and it is  
3302 not otherwise provided by law where the file and papers shall be  
3303 lodged, the judge, when a decision has been reached, shall designate a

3304 clerk of the Superior Court with whom the file and papers shall be  
3305 lodged and shall thereupon lodge them and a memorandum of his  
3306 decision with the clerk.

3307 Sec. 173. Subdivision (1) of subsection (d) of section 51-277 of the  
3308 general statutes is repealed and the following is substituted in lieu  
3309 thereof (*Effective from passage*):

3310 (d) (1) The Chief State's Attorney and each deputy chief state's  
3311 attorney may sign any warrants, [information] informations,  
3312 applications for grand jury investigations and applications for  
3313 extradition.

3314 Sec. 174. Subdivision (4) of subsection (b) of section 51-278 of the  
3315 general statutes is repealed and the following is substituted in lieu  
3316 thereof (*Effective from passage*):

3317 (4) Each Chief State's Attorney, deputy chief state's attorney or  
3318 state's attorney who (A) is ineligible to elect under subdivision (3) of  
3319 this subsection, (B) is not subject to the provisions of chapter 66, and  
3320 (C) had vested under the State Employees Retirement Fund, prior to  
3321 his appointment to such office, shall vest under the [State Attorney's]  
3322 State's Attorneys' Retirement Fund upon reappointment to any such  
3323 office by the Criminal Justice Commission.

3324 Sec. 175. Subsection (b) of section 52-57 of the general statutes is  
3325 repealed and the following is substituted in lieu thereof (*Effective from*  
3326 *passage*):

3327 (b) Process in civil actions against the following-described classes of  
3328 defendants shall be served as follows: (1) Against a town, upon its  
3329 clerk, assistant clerk, manager or one of its selectmen; (2) against a city,  
3330 upon its clerk or assistant clerk or upon its mayor or manager; (3)  
3331 against a borough, upon its manager, clerk or assistant clerk or upon  
3332 the warden or one of its burgesses; (4) against a school district, upon  
3333 its clerk or one of its committee; (5) against a board, commission,  
3334 department or agency of a town, city or borough, notwithstanding any

3335 provision of law, upon the clerk of the town, city or borough, provided  
3336 two copies of such process shall be served upon the clerk and the clerk  
3337 shall retain one copy and forward the second copy to the board,  
3338 commission, department or agency; (6) against any other municipal or  
3339 quasi-municipal [corporations] corporation, upon its clerk or upon its  
3340 chief presiding officer or managing agent; and (7) against an employee  
3341 of a town, city or borough in a cause of action arising from the  
3342 employee's duties or employment, upon the clerk of the town, city or  
3343 borough, provided two copies of such process shall be served upon the  
3344 clerk and the clerk shall retain one copy and forward the second copy  
3345 to the employee.

3346 Sec. 176. Subsections (b) and (c) of section 52-225d of the general  
3347 statutes are repealed and the following is substituted in lieu thereof  
3348 (*Effective from passage*):

3349 (b) (1) If the parties agree on the terms of payment pursuant to  
3350 subdivision (3) of subsection (a) of this section, with respect to  
3351 recoverable economic damages and recoverable noneconomic damages  
3352 in excess of two hundred thousand dollars, the court shall, subject to a  
3353 determination by the court that the terms of subsection (e) of this  
3354 section have been satisfied, enter an amended judgment incorporating  
3355 such agreement of the parties into the amended judgment. (2) If the  
3356 parties fail to agree on the terms of payment pursuant to subdivision  
3357 (3) of subsection (a) of this section, with respect to the payment of  
3358 damages in excess of two hundred thousand dollars, the court shall  
3359 enter an amended judgment to provide for the payment of such  
3360 damages in a lump sum.

3361 (c) If an amended judgment for periodic installment payments is  
3362 entered pursuant to subsection (b) of this section, that portion of the  
3363 contingency fee or any other payment arranged between the claimant  
3364 and the attorney for professional services relating to recoverable  
3365 economic damages and recoverable noneconomic damages subject to  
3366 periodic installment payments as required under such amended  
3367 judgment shall be payable in periodic installment payments in



3368 accordance with an order to be entered by the court simultaneously  
3369 with but separate and apart from the amended judgment, unless prior  
3370 to the entry of that order the claimant and such attorney have  
3371 otherwise agreed and so informed the court.

3372 Sec. 177. Subsection (a) of section 52-328 of the general statutes is  
3373 repealed and the following is substituted in lieu thereof (*Effective from*  
3374 *passage*):

3375 (a) Except as provided in subsection (c) of this section, no personal  
3376 estate which has been attached may be held to respond to the  
3377 judgment obtained in the suit, either against the debtor or any other  
3378 creditor, unless the judgment creditor takes out an execution and has it  
3379 levied on the personal estate attached, or has demand made on the  
3380 garnishee in cases of foreign attachment, within sixty days after final  
3381 judgment, or, if such personal estate is encumbered by any prior  
3382 attachment, unless the execution is so levied within sixty days after  
3383 such encumbrance has been removed.

3384 Sec. 178. Subsection (b) of section 52-356b of the general statutes is  
3385 repealed and the following is substituted in lieu thereof (*Effective from*  
3386 *passage*):

3387 (b) The court may issue a turnover order pursuant to this section,  
3388 after notice and hearing or as provided in subsection (c) of this section,  
3389 on a showing of need for the order. If the order is to be directed against  
3390 a third person, such person shall be notified of his right pursuant to  
3391 section 52-356c to a determination of any interest claimed in the  
3392 property.

3393 Sec. 179. Subsection (c) of section 52-412 of the general statutes is  
3394 repealed and the following is substituted in lieu thereof (*Effective from*  
3395 *passage*):

3396 (c) Any party to a written agreement for arbitration may make  
3397 application to the Superior Court, or, when the court is not in session,  
3398 to a judge thereof, having jurisdiction as provided in subsection (b) of

3399 this section, for an order directing the taking of depositions, in the  
3400 manner and for the reasons prescribed by law for taking depositions to  
3401 be used in a civil action, for use as evidence in an arbitration.

3402 Sec. 180. Section 52-577a of the general statutes is repealed and the  
3403 following is substituted in lieu thereof (*Effective from passage*):

3404 (a) No product liability claim<sub>z</sub> as defined in section 52-572m<sub>z</sub> shall be  
3405 brought but within three years from the date when the injury, death or  
3406 property damage is first sustained or discovered or in the exercise of  
3407 reasonable care should have been discovered<sub>z</sub> except that, subject to  
3408 the provisions of subsections (c), (d) and (e) of this section, no such  
3409 action may be brought against any party nor may any party be  
3410 impleaded pursuant to subsection (b) of this section later than ten  
3411 years from the date that the party last parted with possession or  
3412 control of the product.

3413 (b) In any such action<sub>z</sub> a product seller may implead any third party  
3414 who is or may be liable for all or part of the claimant's claim, if such  
3415 third party defendant is served with the third party complaint within  
3416 one year from the date the cause of action brought under subsection (a)  
3417 of this section is returned to court.

3418 (c) The ten-year limitation provided for in subsection (a) of this  
3419 section shall not apply to any product liability claim brought by a  
3420 claimant who is not entitled to compensation under chapter 568,  
3421 provided the claimant can prove that the harm occurred during the  
3422 useful safe life of the product. In determining whether a product's  
3423 useful safe life has expired, the trier of fact may consider among other  
3424 factors: (1) The effect on the product of wear and tear or deterioration  
3425 from natural causes; (2) the effect of climatic and other local conditions  
3426 in which the product was used; (3) the policy of the user and similar  
3427 users as to repairs, renewals and replacements; (4) representations,  
3428 instructions and warnings made by the product seller about the useful  
3429 safe life of the product; and (5) any modification or alteration of the  
3430 product by a user or third party.

3431 (d) The ten-year limitation provided for in subsection (a) of this  
 3432 section shall be extended pursuant to the terms of any express written  
 3433 warranty that the product can be used for a period longer than ten  
 3434 years, and shall not preclude any action against a product seller who  
 3435 intentionally misrepresents a product or fraudulently conceals  
 3436 information about it, provided the misrepresentation or fraudulent  
 3437 concealment was the proximate cause of harm of the claimant.

3438 (e) The ten-year limitation provided for in subsection (a) of this  
 3439 section shall not apply to any product liability claim, whenever  
 3440 brought, involving injury, death or property damage caused by contact  
 3441 with or exposure to asbestos, except that (1) no such action for  
 3442 personal injury or death may be brought by the claimant later than  
 3443 sixty years from the date that the claimant last had contact with or  
 3444 exposure to asbestos, and (2) no such action for damage to property  
 3445 may be brought by the claimant later than thirty years from the date of  
 3446 last contact with or exposure to asbestos.

3447 (f) The definitions contained in section 52-572m shall apply to this  
 3448 section.

3449 (g) The provisions of this section shall apply to all product liability  
 3450 claims brought on or after October 1, 1979.

3451 Sec. 181. Subsection (e) of section 53a-29 of the general statutes is  
 3452 repealed and the following is substituted in lieu thereof (*Effective from*  
 3453 *passage*):

3454 (e) The period of probation, unless terminated sooner as provided in  
 3455 section 53a-32, shall be not less than ten years [nor] or more than  
 3456 thirty-five years for conviction of a violation of subdivision (2) of  
 3457 subsection (a) of section 53-21 [.] or section 53a-70, 53a-70a, 53a-70b,  
 3458 53a-71, 53a-72a, 53a-72b, 53a-90a, 53a-196b, 53a-196c, 53a-196d, 53a-  
 3459 196e or 53a-196f.

3460 Sec. 182. Subsection (e) of section 53a-30 of the general statutes is  
 3461 repealed and the following is substituted in lieu thereof (*Effective from*

3462 *passage*):

3463 (e) The court may require that the person subject to electronic  
3464 monitoring [subject] pursuant to subsection (a) of this section pay  
3465 directly to the electronic monitoring service provider a fee for the cost  
3466 of such electronic monitoring services. If the court finds that the person  
3467 subject to electronic monitoring is indigent and unable to pay the costs  
3468 of electronic monitoring services, it shall waive such costs. Any  
3469 contract entered into by the judicial branch and the electronic  
3470 monitoring service provider shall include a provision stating that the  
3471 total cost for electronic monitoring services shall not exceed five  
3472 dollars per day. Such amount shall be indexed annually to reflect the  
3473 rate of inflation.

3474 Sec. 183. Section 54-1k of the general statutes is repealed and the  
3475 following is substituted in lieu thereof (*Effective from passage*):

3476 Upon the arrest of a person for a violation of section 53a-181c, 53a-  
3477 181d or 53a-181e, the court may issue a protective order pursuant to  
3478 this section. Such order shall be an order of the court, and the clerk of  
3479 the court shall cause a certified copy of such order to be sent to the  
3480 victim, and a copy of such order, or the information contained in such  
3481 order, to be sent by facsimile or other means within forty-eight hours  
3482 of its issuance to the appropriate law enforcement agency. A protective  
3483 order issued under this section may include provisions necessary to  
3484 protect the victim from threats, harassment, injury or intimidation by  
3485 the defendant, including but not limited to, an order enjoining the  
3486 defendant from (1) imposing any restraint upon the person or liberty  
3487 of the victim, (2) threatening, harassing, assaulting, molesting or  
3488 sexually assaulting the victim, or (3) entering the dwelling of the  
3489 victim. Such order shall be made a condition of the bail or release of  
3490 the defendant and shall contain the following language: "In accordance  
3491 with section 53a-223 of the Connecticut general statutes, any violation  
3492 of this order constitutes criminal violation of a protective order which  
3493 is punishable by a term of imprisonment of not more than five years, a  
3494 fine of not more than five thousand dollars, or both. Additionally, in

3495 accordance with section 53a-107 of the Connecticut general statutes,  
3496 entering or remaining in a building or any other premises in violation  
3497 of this order constitutes criminal trespass in the first degree [. These  
3498 are criminal offenses each] which is punishable by a term of  
3499 imprisonment of not more than one year, a fine of not more than two  
3500 thousand dollars, or both. Violation of this order also violates a  
3501 condition of your bail or release and may result in raising the amount  
3502 of bail or revoking release." The information contained in and  
3503 concerning the issuance of any protective order issued under this  
3504 section shall be entered in the registry of protective orders pursuant to  
3505 section 51-5c.

3506 Sec. 184. Subsection (c) of section 54-41p of the general statutes is  
3507 repealed and the following is substituted in lieu thereof (*Effective from*  
3508 *passage*):

3509 (c) If an investigative officer, while engaged in the interception of  
3510 wire communications in accordance with the provisions of this  
3511 chapter, intercepts wire communications relating to any crime not  
3512 specified in the order authorizing such interception, the contents of  
3513 such intercepted communications and evidence derived therefrom  
3514 may be disclosed as otherwise provided in subsection (a) of this  
3515 section.

3516 Sec. 185. Subsection (a) of section 54-47g of the general statutes is  
3517 repealed and the following is substituted in lieu thereof (*Effective from*  
3518 *passage*):

3519 (a) Within sixty days of the conclusion of the investigation, the  
3520 investigatory grand jury conducting such investigation shall file its  
3521 finding with the court of the judicial district designated by the Chief  
3522 Court Administrator pursuant to subsection (a) of section 54-47d, and  
3523 shall file a copy of its finding with the panel and with the Chief State's  
3524 Attorney or a state's attorney if such Chief State's Attorney or state's  
3525 attorney made application for the investigation. The stenographer shall  
3526 file any record of the investigation with the court of the judicial district

3527 designated by the Chief Court Administrator pursuant to subsection  
3528 (a) of section 54-47d and the panel and the Chief State's Attorney or a  
3529 state's attorney, if such Chief State's Attorney or state's attorney made  
3530 application for the investigation, shall have access to such record upon  
3531 request made to the clerk of the court without a hearing. Such finding  
3532 shall state whether or not there is probable cause to believe that a  
3533 crime or crimes have been committed. Except as otherwise provided in  
3534 this section, any part of the record of the investigation not disclosed  
3535 with the finding pursuant to subsection (b) of this section shall be  
3536 sealed, provided any person may file an application with the panel for  
3537 disclosure of any such part of the record. Upon receipt of such  
3538 application, the panel shall, after notice, hold a hearing and the panel,  
3539 by a majority vote, may disclose any such part of the record when such  
3540 disclosure is deemed by the panel to be in the public interest, except  
3541 that no part of the record shall be disclosed which contains allegations  
3542 of the commission of a crime by an individual if the investigatory  
3543 grand jury failed to find probable cause that such individual  
3544 committed such crime unless such individual requests the release of  
3545 such part of the record. Any person aggrieved by an order of the panel  
3546 shall have the right to appeal such order by filing a petition for review  
3547 with the Appellate Court within seventy-two hours from the issuance  
3548 of such order.

3549 Sec. 186. Subsection (b) of section 54-82r of the general statutes is  
3550 repealed and the following is substituted in lieu thereof (*Effective from*  
3551 *passage*):

3552 (b) A protective order shall set forth the reasons for the issuance of  
3553 such order, be specific in terms and describe in reasonable detail, and  
3554 not by reference to the complaint or other document, the act or acts  
3555 being restrained. A protective order issued under this section may  
3556 include provisions necessary to protect the witness from threats,  
3557 harassment, injury or intimidation by the adverse party including, but  
3558 not limited to, enjoining the adverse party from (1) imposing any  
3559 restraint upon the person or liberty of the witness, (2) threatening,  
3560 harassing, assaulting, molesting or sexually assaulting the witness, or

3561 (3) entering the dwelling of the witness. Such order shall contain the  
3562 following language: "In accordance with section 53a-223 of the  
3563 Connecticut general statutes, any violation of this order constitutes  
3564 criminal violation of a protective order which is punishable by a term  
3565 of imprisonment of not more than five years, a fine of not more than  
3566 five thousand dollars, or both. Additionally, in accordance with section  
3567 53a-107 of the Connecticut general statutes, entering or remaining in a  
3568 building or any other premises in violation of this order constitutes  
3569 criminal trespass in the first degree [. These are criminal offenses each]  
3570 which is punishable by a term of imprisonment of not more than one  
3571 year, a fine of not more than two thousand dollars, or both." If the  
3572 adverse party is the defendant in the criminal case, such order shall be  
3573 made a condition of the bail or release of the defendant and shall also  
3574 contain the following language: "Violation of this order also violates a  
3575 condition of your bail or release and may result in raising the amount  
3576 of bail or revoking release."

3577 Sec. 187. Subsection (f) of section 54-124a of the general statutes is  
3578 repealed and the following is substituted in lieu thereof (*Effective from*  
3579 *passage*):

3580 (f) The Board of Pardons and Paroles shall have independent  
3581 decision-making authority to (1) grant or deny parole in accordance  
3582 with sections 54-125, 54-125a, 54-125e and 54-125g, (2) establish  
3583 conditions of parole or special parole supervision in accordance with  
3584 section 54-126, (3) rescind or revoke parole or special parole in  
3585 accordance with sections 54-127 and 54-128, (4) grant commutations of  
3586 punishment or releases, conditioned or absolute, in the case of any  
3587 person convicted of any offense against the state and commutations  
3588 from the penalty of death in accordance with section [18-26] 54-130a.

3589 Sec. 188. Subsection (c) of section 54-125e of the general statutes is  
3590 repealed and the following is substituted in lieu thereof (*Effective from*  
3591 *passage*):

3592 (c) The period of special parole shall be not less than one year [nor]

3593 or more than ten years, except that such period may be for more than  
3594 ten years for a person convicted of a violation of subdivision (2) of  
3595 section 53-21 of the general statutes in effect prior to October 1, 2000,  
3596 subdivision (2) of subsection (a) of section 53-21 [,] or section 53a-70,  
3597 53a-70a, 53a-70b, 53a-71, 53a-72a or 53a-72b or sentenced as a  
3598 persistent dangerous felony offender pursuant to subsection (h) of  
3599 section 53a-40 or as a persistent serious felony offender pursuant to  
3600 subsection (j) of section 53a-40.

3601 Sec. 189. Subsections (b) and (c) of section 54-156 of the general  
3602 statutes are repealed and the following is substituted in lieu thereof  
3603 (*Effective from passage*):

3604 (b) If an arrest is made in this state by an officer of another state in  
3605 accordance with the provisions of subsection (a) of this section, he  
3606 shall, without unnecessary delay, take the person arrested before a  
3607 judge of the superior court for the judicial district in which the arrest  
3608 was made, who shall conduct a hearing for the purpose of determining  
3609 the lawfulness of the arrest. If such judge determines that the arrest  
3610 was lawful, he shall commit the person arrested to await for a  
3611 reasonable time the issuance of an extradition warrant by the Governor  
3612 of this state or admit him to bail for such purpose. If such judge  
3613 determines that the arrest was unlawful, he shall discharge the person  
3614 arrested.

3615 (c) Subsection (a) of this section shall not be construed so as to make  
3616 unlawful any arrest in this state which would otherwise be lawful.

3617 Sec. 190. Subdivision (16) of subsection (b) of section 54-203 of the  
3618 general statutes is repealed and the following is substituted in lieu  
3619 thereof (*Effective from passage*):

3620 (16) Within available appropriations to establish a crime victims'  
3621 information clearinghouse which shall be a central repository for  
3622 information collected pursuant to subdivision (9) of this subsection  
3623 and information made available through the criminal justice  
3624 information system, to provide a toll-free telephone number for access



3625 to such information and to develop a plan, in consultation with all  
3626 agencies required to provide notification to victims, outlining any  
3627 needed statutory changes, resources and working agreements  
3628 necessary to make the Office of Victim Services the lead agency for  
3629 notification of victims, which plan shall be submitted to the General  
3630 Assembly not later than February 15, 2000.

3631 Sec. 191. Subsection (a) of section 28-5 of the general statutes is  
3632 repealed and the following is substituted in lieu thereof (*Effective from*  
3633 *passage*):

3634 (a) The commissioner may make studies and surveys of the  
3635 manpower, industries, resources and facilities of the state to ascertain  
3636 the capabilities of the state for civil preparedness and to plan for their  
3637 most efficient use in time of emergency. The commissioner may apply  
3638 to the superior court for the judicial district of Hartford, or to a judge  
3639 of said court if the court is not in session, for a subpoena to compel the  
3640 attendance of such witnesses or the production of such books, papers,  
3641 records or documents of individuals, firms, associations or  
3642 corporations as may be necessary to the effective preparation of the  
3643 civil preparedness of the state. [Said] The court or [such] judge shall,  
3644 before issuing such subpoena, provide adequate opportunity for the  
3645 commissioner and the party against whom the subpoena is requested  
3646 to be heard. No such subpoena shall issue unless the court or judge  
3647 certifies that the attendance of such witness or the production of such  
3648 books, papers, records or documents is reasonably necessary to the  
3649 effective preparation of the civil preparedness of the state and that the  
3650 commissioner has made reasonable efforts to secure such attendance  
3651 or such books, papers, records or documents without recourse to  
3652 compulsory process.

3653 Sec. 192. Section 29-155b of the general statutes is repealed and the  
3654 following is substituted in lieu thereof (*Effective October 1, 2005*):

3655 Upon being satisfied, after investigation, of the good character,  
3656 competency and integrity of an applicant, or, if the applicant is an

3657 association or partnership, of the individual members thereof, or if a  
3658 corporation, of all officers and directors thereof, the commissioner may  
3659 grant a license to conduct such private detective business and to  
3660 maintain a bureau, agency, subagency, office or branch office for the  
3661 conduct of such business on the premises stated in such application.  
3662 The license for an individual private detective shall be as a private  
3663 detective, and [ ] the license for a corporation, association or  
3664 partnership shall be as a private detective agency. Such license shall be  
3665 for a term of two years and application for renewal shall be on a form  
3666 furnished by the commissioner. Each licensee shall permit the  
3667 department to inspect, review or copy those documents, business  
3668 records or training records in the licensee's possession that are  
3669 required by regulation to be maintained.

3670 Sec. 193. Section 29-158 of the general statutes is repealed and the  
3671 following is substituted in lieu thereof (*Effective October 1, 2005*):

3672 Any license may be suspended or revoked by the commissioner,  
3673 provided notice shall have been given to the licensee to appear before  
3674 the commissioner to show cause why the license should not be  
3675 suspended or revoked, upon a finding by the commissioner that: (1)  
3676 The licensee has violated any of the terms or provisions of sections 29-  
3677 153 to 29-161, inclusive, or any of the regulations [promulgated]  
3678 adopted thereunder; (2) the licensee has practiced fraud, deceit or  
3679 misrepresentation to the clients of the licensee; (3) the licensee has  
3680 made a material misstatement in the application for issuance or  
3681 renewal of such licensee's license; (4) the licensee has demonstrated  
3682 incompetence or untrustworthiness in the conduct of such licensee's  
3683 business; (5) the licensee has been convicted of a felony or other crime  
3684 affecting such licensee's honesty, integrity or moral fitness. If the  
3685 licensee has been convicted under section 53a-61 or 53a-62, the  
3686 commissioner shall consider the facts and circumstances surrounding  
3687 such convictions prior to suspending or revoking [said] the license.  
3688 Any party aggrieved by an order of the commissioner hereunder may  
3689 appeal therefrom in accordance with the provisions of section 4-183,  
3690 except venue for such appeal shall be in the judicial district of New

3691 Britain.

3692 Sec. 194. Section 29-161g of the general statutes is repealed and the  
3693 following is substituted in lieu thereof (*Effective October 1, 2005*):

3694 No person shall engage in the business of, or solicit business as, a  
3695 security service or make representations to be or advertise as  
3696 furnishing security services without first obtaining a license from the  
3697 Commissioner of Public Safety.

3698 Sec. 195. Subsection (a) of section 29-161k of the general statutes is  
3699 repealed and the following is substituted in lieu thereof (*Effective*  
3700 *October 1, 2005*):

3701 (a) Application for a license as a security service [.] shall be made in  
3702 writing, under oath, on a form to be furnished by the Commissioner of  
3703 Public Safety. The application shall state the applicant's full name, age,  
3704 date and place of birth, residences and employment within the past  
3705 five years and the applicant's present occupation with the names and  
3706 addresses of employers, the date and place of conviction of any crime  
3707 and such additional information as the commissioner requires to  
3708 investigate the qualification, character, competency and integrity of the  
3709 applicant. If the applicant is an association, corporation or partnership,  
3710 similar information shall be required of each individual composing or  
3711 intending to compose such association, corporation or partnership.

3712 Sec. 196. Section 29-271 of the general statutes is repealed and the  
3713 following is substituted in lieu thereof (*Effective from passage*):

3714 Any state-assisted rental housing or rental housing project  
3715 constructed or substantially rehabilitated under a building permit  
3716 application filed on or after January 1, 1976, and prior to October 1,  
3717 2004, [and which] that contains ten or more housing units shall have at  
3718 least ten per cent of the units and all common use areas and facilities  
3719 designed to promote safe and accessible means of entrance and egress  
3720 and ease of access and use of facilities for the physically disabled, as  
3721 defined in subsection (b) of section 1-1f, unless a waiver of such

3722 requirement is obtained from the Commissioner of Economic and  
3723 Community Development as provided in this section. Any state-  
3724 assisted rental housing or rental housing project constructed or  
3725 substantially rehabilitated under a building permit application filed on  
3726 or after October 1, 2004, [and which] that contains four or more  
3727 dwelling units shall have the dwelling units and all common use areas  
3728 and facilities designed in accordance with the State Building Code to  
3729 promote the safe and accessible use of facilities for the physically  
3730 disabled, as defined in subsection (b) of section 1-1f, unless such  
3731 waiver is obtained. Said commissioner may, with the concurrence of  
3732 the director of the Office of Protection and Advocacy for Persons with  
3733 Disabilities and the State Building Inspector, waive the requirement for  
3734 such units for any state-financed rental housing project awarded state  
3735 assistance under sections 8-124a and 8-216b, provided all requirements  
3736 concerning the provision of housing units accessible to the physically  
3737 disabled promulgated by the United States Department of Housing  
3738 and Urban Development have been met. Physically disabled persons  
3739 and families shall receive priority in placement in no less than ten per  
3740 cent of the housing units constructed or substantially rehabilitated  
3741 after January 1, 1976.

3742 Sec. 197. Subsection (c) of section 29-402 of the general statutes is  
3743 repealed and the following is substituted in lieu thereof (*Effective from*  
3744 *passage*):

3745 (c) The provisions of this section shall not apply to (1) a person who  
3746 is engaged in the disassembling, transportation and reconstruction of  
3747 historic buildings for historical purposes or in the demolition of farm  
3748 buildings or in the renovation, alteration or reconstruction of a single-  
3749 family residence, (2) the removal of underground petroleum storage  
3750 tanks, (3) the burning of a building or structure as part of an organized  
3751 fire department training exercise, or (4) the demolition of a single-  
3752 family residence or out building by an owner of such structure if it  
3753 does not exceed a height of thirty feet, provided (A) the owner shall be  
3754 present on site while such demolition work is in progress [,] and shall  
3755 be held personally liable for any injury to individuals or damage to

3756 public or private property caused by such demolition, and [provided  
3757 further] (B) such demolition shall be permitted only with respect to  
3758 buildings which have clearance from other structures, roads or  
3759 highways equal to or greater than the height of the structure subject to  
3760 demolition. The local building official may require additional clearance  
3761 when deemed necessary for safety.

3762 Sec. 198. Subdivision (1) of subsection (u) of section 36a-70 of the  
3763 general statutes is repealed and the following is substituted in lieu  
3764 thereof (*Effective from passage*):

3765 (u) (1) Each trust bank and uninsured bank shall keep assets on  
3766 deposit in the amount of at least one million dollars with such banks as  
3767 the commissioner may approve, provided a trust bank or uninsured  
3768 bank that received its final certificate of authority prior to May 12,  
3769 2004, shall keep assets on deposit as follows: At least two hundred fifty  
3770 thousand dollars no later than one year from May 12, 2004, at least five  
3771 hundred thousand dollars no later than two years from [such] said  
3772 date, at least seven hundred fifty thousand dollars no later than three  
3773 years from [such] said date and at least one million dollars no later  
3774 than four years from [such] said date. No trust bank or uninsured bank  
3775 shall make a deposit pursuant to this section until the bank at which  
3776 the assets are to be deposited and the trust bank or uninsured bank  
3777 shall have executed a deposit agreement satisfactory to the  
3778 commissioner. The value of such assets shall be based upon the  
3779 principal amount or market value, whichever is lower. If the  
3780 commissioner determines that an asset that otherwise qualifies under  
3781 this section shall be valued at less than the amount otherwise provided  
3782 in this subdivision, the commissioner shall so notify the trust bank or  
3783 uninsured bank, which shall thereafter value such asset as directed by  
3784 the commissioner.

3785 Sec. 199. Subdivision (2) of subsection (c) of section 36a-222 of the  
3786 general statutes is repealed and the following is substituted in lieu  
3787 thereof (*Effective from passage*):

3788 (2) If an independent person is appointed receiver or conservator,  
3789 the cost and expenses incurred in the liquidation, reorganization or  
3790 administration of the bank or credit union, including any funds paid  
3791 by the commissioner to the receiver or conservator [prior to] before the  
3792 bank or credit union [being] was placed in receivership or  
3793 conservatorship, shall be paid out of the funds of the bank or credit  
3794 union, subject to the approval of the court.

3795 Sec. 200. Section 36a-226 of the general statutes is repealed and the  
3796 following is substituted in lieu thereof (*Effective from passage*):

3797 The receiver shall, as soon after the receiver's appointment as is  
3798 practicable, make and return to the court an inventory and appraisal of  
3799 the assets of the Connecticut bank or Connecticut credit union or estate  
3800 in receivership, verified by oath according to the receiver's best  
3801 knowledge, information and belief, and shall, from time to time  
3802 thereafter, make and return such additional or supplementary  
3803 inventories and valuations, and render such reports of the receiver's  
3804 actions and statements of accounts, as are necessary for the  
3805 information of the court or as are required by the order of the court.  
3806 The receiver shall hold all the assets which come into the receiver's  
3807 possession as such receiver, subject to the order of the court, and shall  
3808 convert such assets into money with all reasonable dispatch. The  
3809 receiver shall deposit money collected on behalf of such bank or credit  
3810 union in a bank, a Connecticut credit union, a federal credit union, an  
3811 out-of-state bank that maintains in this state a branch, as defined in  
3812 section 36a-410, or an out-of-state credit union that maintains in this  
3813 state a branch, as defined in section 36a-435b. In cases of doubt or  
3814 difficulty, the receiver may, upon written application, ask the advice of  
3815 the court as to the manner in which the receiver shall execute the  
3816 receiver's trust. The court may, from time to time, on its own motion,  
3817 or on complaint of any interested party, make all necessary and proper  
3818 orders as to the proceedings and actions of the receiver.

3819 Sec. 201. Subsection (c) of section 36a-237 of the general statutes is  
3820 repealed and the following is substituted in lieu thereof (*Effective from*

3821 *passage*):

3822 (c) In the event of liquidation of a Connecticut credit union, the  
3823 assets of the Connecticut credit union or the proceeds from any  
3824 disposition of the assets shall be applied and distributed in the  
3825 following sequence: (1) All fees and assessments due the  
3826 commissioner; (2) claims of secured creditors up to the value of their  
3827 collateral; (3) the costs and expenses of liquidation; (4) the wages due  
3828 the employees of the Connecticut credit union; (5) the costs and  
3829 expenses incurred by creditors in successfully opposing the release of  
3830 the Connecticut credit union from certain debts as allowed by the  
3831 commissioner; (6) all taxes owed to the United States or any other  
3832 governmental unit; (7) all other debts owed to the United States or any  
3833 other governmental unit; (8) claims of general creditors and secured  
3834 creditors to the extent that their claims exceed the value of their  
3835 collateral; (9) claims of members, to the extent of uninsured share  
3836 accounts, and the organization that insured the share accounts of the  
3837 Connecticut credit union; (10) in the event of liquidation of a  
3838 Connecticut credit union that is a corporate Connecticut credit union,  
3839 as defined in section 36a-435b, membership capital, and then paid-in  
3840 capital; and (11) in the event of liquidation of a Connecticut credit  
3841 union that has received a low-income designation from the National  
3842 Credit Union Administration under 12 CFR 701.34, as from time to  
3843 time amended, any outstanding secondary capital accounts.

3844 Sec. 202. Subdivision (1) of subsection (j) of section 36a-237f of the  
3845 general statutes is repealed and the following is substituted in lieu  
3846 thereof (*Effective from passage*):

3847 (j) (1) The Banking Commissioner shall deposit all money available  
3848 for the benefit of persons who have not filed a claim and are, according  
3849 to the bank's records, depositors and creditors of a trust bank or  
3850 uninsured bank in receivership in a bank, Connecticut credit union,  
3851 federal credit union, [an] out-of-state bank that maintains in this state a  
3852 branch, as defined in section 36a-410, or out-of-state credit union that  
3853 maintains in this state a branch, as defined in section 36a-435b. The

3854 commissioner shall pay the nonclaiming depositors and creditors on  
3855 demand the undisputed amount, based on the bank's records, held for  
3856 their benefit.

3857 Sec. 203. Subsection (a) of section 36a-237h of the general statutes is  
3858 repealed and the following is substituted in lieu thereof (*Effective from*  
3859 *passage*):

3860 (a) [For the purposes of this section, persons] Persons entitled to  
3861 protection under this section shall be: (1) All receivers or conservators  
3862 of trust banks or uninsured banks, including present and former  
3863 receivers and conservators; and (2) the employees of such receivers or  
3864 conservators. Attorneys, accountants, auditors and other professional  
3865 persons or firms who are retained by the receiver or conservator as  
3866 independent contractors, and their employees, shall not be considered  
3867 employees of the receiver or conservator for purposes of this section.

3868 Sec. 204. Subdivision (38) of subsection (a) of section 36a-250 of the  
3869 general statutes is repealed and the following is substituted in lieu  
3870 thereof (*Effective from passage*):

3871 (38) Even if not expressly authorized to exercise fiduciary powers,  
3872 act as trustee or custodian of a plan which qualifies as part of a  
3873 retirement plan for self-employed individuals or an individual  
3874 retirement account under the provisions of the Internal Revenue Code  
3875 of 1986, or any subsequent corresponding internal revenue code of the  
3876 United States, as from time to time amended, if the governing  
3877 instrument limits the investment of the funds held pursuant to such  
3878 plan to the following investments: [(1)] (A) Savings deposits and time  
3879 deposits; and [(2)] (B) with respect to retirement plans for self-  
3880 employed individuals, notes of members in such plans which evidence  
3881 the indebtedness of such members for funds borrowed from the plans.  
3882 Funds held pursuant to any plan which so qualifies may be deposited  
3883 in any Connecticut bank without regard to any statutory limit on the  
3884 amount which such bank may have on deposit from one depositor.

3885 Sec. 205. Subsection (a) of section 36a-380 of the general statutes is



3886 repealed and the following is substituted in lieu thereof (*Effective from*  
3887 *passage*):

3888 (a) Except as provided in this section, no corporation, other than a  
3889 bank or out-of-state bank that maintains in this state a branch as  
3890 defined in section 36a-410, shall have or exercise in this state the power  
3891 to receive, by grant, assignment, transfer, devise, bequest or otherwise,  
3892 any money, securities or other personal property, or any interest in real  
3893 estate from any person or corporation in trust, to hold, manage or  
3894 dispose of the same for the benefit of any third person or corporation,  
3895 or to accept or execute any such trust, unless such corporation is  
3896 specifically empowered so to act by a general statute of this state or by  
3897 a special act of the General Assembly. Any corporation so empowered  
3898 to act as trustee, other than such bank or out-of-state bank, shall, before  
3899 so acting, obtain a license from the commissioner as provided in  
3900 subsection (b) of this section.

3901 Sec. 206. Subsection (b) of section 36a-468b of the general statutes is  
3902 repealed and the following is substituted in lieu thereof (*Effective from*  
3903 *passage*):

3904 (b) The Connecticut credit union proposing to convert shall file an  
3905 application with the commissioner. Such application shall include [(A)]  
3906 (1) a plan of conversion adopted by a majority vote of the governing  
3907 board and a copy of the governing board's resolution adopting the  
3908 plan of conversion, [(B)] (2) a proposed written notice of the date, time  
3909 and place of a regular or special meeting of the members of the  
3910 converting Connecticut credit union for the vote on the proposed  
3911 conversion, including a proposed form of any proxy and mail ballot,  
3912 [(C)] (3) proof of compliance with all applicable federal laws to effect  
3913 the conversion, and [(D)] (4) any additional information as the  
3914 commissioner may require.

3915 Sec. 207. Subsection (g) of section 36a-468b of the general statutes is  
3916 repealed and the following is substituted in lieu thereof (*Effective from*  
3917 *passage*):

3918 (g) The converting credit union shall, within ninety days after the  
3919 receipt of a charter as a federal credit union: [(A)] (1) File with the  
3920 Secretary of the State a certificate, signed by any two officers under  
3921 oath, stating that the credit union has converted to a federal credit  
3922 union pursuant to this section and the approval of the commissioner;  
3923 [(B)] (2) obtain from the Secretary of the State one or more certified  
3924 copies of the certificate and the commissioner's approval; and [(C)] (3)  
3925 record the certified copies in the office of the town clerk of each town  
3926 in this state where such credit union owns real property.

3927 Sec. 208. Subdivision (2) of section 36a-645 of the general statutes is  
3928 repealed and the following is substituted in lieu thereof (*Effective from*  
3929 *passage*):

3930 (2) "Creditor" means [(i)] (A) any person to whom a debt is owed by  
3931 a consumer debtor and such debt results from a transaction occurring  
3932 in the ordinary course of such person's business, or [(ii)] (B) any person  
3933 to whom such debt is assigned. "Creditor" shall not include a  
3934 consumer collection agency, as defined in section 36a-800, or any  
3935 department or agency of the United States, this state, any other state,  
3936 or any political subdivision thereof.

3937 Sec. 209. Subsection (b) of section 36a-685 of the general statutes is  
3938 repealed and the following is substituted in lieu thereof (*Effective from*  
3939 *passage*):

3940 (b) Proof that an extension of credit was made at an annual rate  
3941 exceeding forty-five per cent calculated according to the actuarial  
3942 method, and that the creditor then had a reputation for the use or  
3943 threat of use of violence or other criminal means to cause harm to the  
3944 person, reputation or property of any person to collect extensions of  
3945 credit or to punish the nonrepayment thereof, is prima facie evidence  
3946 that the extension of credit was unenforceable under subsection (a) of  
3947 this section.

3948 Sec. 210. Subsection (c) of section 42a-4-104 of the general statutes is  
3949 repealed and the following is substituted in lieu thereof (*Effective from*

3950 *passage*):

3951 (c) "Control" as provided in section [42a-106] 42a-7-106 and the  
 3952 following definitions in other articles apply to this article:

T1	"Acceptance". Section 42a-3-409.
T2	"Alteration". Section 42a-3-407.
T3	"Cashier's check". Section 42a-3-104.
T4	"Certificate of deposit". Section 42a-3-104.
T5	"Certified check". Section 42a-3-409.
T6	"Check". Section 42a-3-104.
T7	"Good faith". Section 42a-3-103.
T8	"Holder in due course". Section 42a-3-302.
T9	"Instrument". Section 42a-3-104.
T10	"Notice of dishonor". Section 42a-3-503.
T11	"Order". Section 42a-3-103.
T12	"Ordinary care". Section 42a-3-103.
T13	"Person entitled to enforce". Section 42a-3-301.
T14	"Presentment". Section 42a-3-501.
T15	"Promise". Section 42a-3-103.
T16	"Prove". Section 42a-3-103.
T17	"Teller's check". Section 42a-3-104.
T18	"Unauthorized signature". Section 42a-3-403.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	1-1g(b)
Sec. 2	<i>from passage</i>	1-58(c)
Sec. 3	<i>from passage</i>	1-226(b)
Sec. 4	<i>from passage</i>	2-32b(c)
Sec. 5	<i>from passage</i>	3-13c
Sec. 6	<i>from passage</i>	3-21b(b)
Sec. 7	<i>from passage</i>	3-25(a)
Sec. 8	<i>from passage</i>	3-119(a)

Sec. 9	<i>from passage</i>	4-7(b)
Sec. 10	<i>from passage</i>	4-20(b)
Sec. 11	<i>from passage</i>	4-58a(b)
Sec. 12	<i>from passage</i>	4-67m(b)
Sec. 13	<i>from passage</i>	4-85(a)
Sec. 14	<i>from passage</i>	4-85(c)
Sec. 15	<i>from passage</i>	4-168(a)
Sec. 16	<i>from passage</i>	4-168(g)
Sec. 17	<i>from passage</i>	4-170(c)
Sec. 18	<i>from passage</i>	4-173(a) and (b)
Sec. 19	<i>from passage</i>	4a-67h(c)
Sec. 20	<i>from passage</i>	4a-72(b)
Sec. 21	<i>from passage</i>	4b-23(b)
Sec. 22	<i>from passage</i>	4b-52(a)
Sec. 23	<i>from passage</i>	4b-53(d)
Sec. 24	<i>from passage</i>	4b-58(b)
Sec. 25	<i>from passage</i>	5-142(c) and (d)
Sec. 26	<i>from passage</i>	5-158b(b)
Sec. 27	<i>from passage</i>	5-160(f)
Sec. 28	<i>from passage</i>	5-161(e)
Sec. 29	<i>from passage</i>	5-164(d)
Sec. 30	<i>from passage</i>	5-164a(d)
Sec. 31	<i>from passage</i>	5-165(b)
Sec. 32	<i>from passage</i>	5-166
Sec. 33	<i>from passage</i>	5-167(a) and (b)
Sec. 34	<i>from passage</i>	5-169(h)
Sec. 35	<i>from passage</i>	5-170(b)
Sec. 36	<i>from passage</i>	5-200(n)
Sec. 37	<i>from passage</i>	7-34a(a)
Sec. 38	<i>from passage</i>	7-69
Sec. 39	<i>from passage</i>	7-137c
Sec. 40	<i>from passage</i>	7-148b
Sec. 41	<i>from passage</i>	7-294a
Sec. 42	<i>from passage</i>	8-26a(b)(2)
Sec. 43	<i>from passage</i>	8-208b(a)
Sec. 44	<i>from passage</i>	8-218(f) and (g)
Sec. 45	<i>from passage</i>	8-219e(a)
Sec. 46	<i>from passage</i>	8-268(a)
Sec. 47	<i>from passage</i>	9-323
Sec. 48	<i>from passage</i>	9-371b

Sec. 49	<i>from passage</i>	10-145b(k)(1)
Sec. 50	<i>from passage</i>	10a-185(d)
Sec. 51	<i>from passage</i>	12-81r(c)
Sec. 52	<i>from passage</i>	12-285c(f)
Sec. 53	<i>from passage</i>	12-412(82)(A)
Sec. 54	<i>from passage</i>	12-574c(b)
Sec. 55	<i>from passage</i>	14-36a(e)
Sec. 56	<i>from passage</i>	14-44j(g)(2)
Sec. 57	<i>from passage</i>	14-44k(i)
Sec. 58	<i>from passage</i>	14-96a(b)
Sec. 59	<i>from passage</i>	14-196(b)
Sec. 60	<i>from passage</i>	14-223a
Sec. 61	<i>from passage</i>	14-250(a)
Sec. 62	<i>from passage</i>	14-250(d)
Sec. 63	<i>from passage</i>	15-13(c)
Sec. 64	<i>from passage</i>	15-98(a)
Sec. 65	<i>from passage</i>	16-19f(c)
Sec. 66	<i>from passage</i>	16a-29
Sec. 67	<i>from passage</i>	16a-41h(a) and (b)
Sec. 68	<i>from passage</i>	17a-50(b)
Sec. 69	<i>from passage</i>	17b-105b
Sec. 70	<i>from passage</i>	17b-267(b) and (c)
Sec. 71	<i>from passage</i>	17b-274d(f)
Sec. 72	<i>from passage</i>	17b-360(e), (f) and (g)
Sec. 73	<i>from passage</i>	18-87
Sec. 74	<i>from passage</i>	18-101i
Sec. 75	<i>from passage</i>	18-101k(a)
Sec. 76	<i>from passage</i>	19a-281(b)
Sec. 77	<i>from passage</i>	19a-315c(c) and (d)
Sec. 78	<i>from passage</i>	19a-509a(b)
Sec. 79	<i>from passage</i>	19a-509a(d)
Sec. 80	<i>from passage</i>	20-13e(a) and (b)
Sec. 81	<i>from passage</i>	20-34(b)
Sec. 82	<i>from passage</i>	20-114(b)
Sec. 83	<i>from passage</i>	20-197
Sec. 84	<i>from passage</i>	20-248
Sec. 85	<i>from passage</i>	20-319(b)
Sec. 86	<i>from passage</i>	20-329f(a)
Sec. 87	<i>from passage</i>	21-41(b)
Sec. 88	<i>from passage</i>	22-39

Sec. 89	<i>from passage</i>	22-39f
Sec. 90	<i>from passage</i>	22-351(a)
Sec. 91	<i>from passage</i>	22-355(a)
Sec. 92	<i>from passage</i>	22-355(c)
Sec. 93	<i>from passage</i>	22a-6b(e)
Sec. 94	<i>from passage</i>	22a-41(b)(1)
Sec. 95	<i>from passage</i>	22a-94(e) and (f)
Sec. 96	<i>from passage</i>	22a-109(a)
Sec. 97	<i>from passage</i>	22a-112(b)
Sec. 98	<i>from passage</i>	22a-112(d)
Sec. 99	<i>from passage</i>	22a-128(a)
Sec. 100	<i>from passage</i>	22a-135(b)
Sec. 101	<i>from passage</i>	22a-178(g)
Sec. 102	<i>from passage</i>	22a-200(4)
Sec. 103	<i>from passage</i>	22a-200a(b)
Sec. 104	<i>from passage</i>	22a-200b(e)
Sec. 105	<i>from passage</i>	22a-209d
Sec. 106	<i>from passage</i>	22a-234a(d)
Sec. 107	<i>from passage</i>	22a-449c(a)(2)
Sec. 108	<i>from passage</i>	22a-471(a)(3)
Sec. 109	<i>from passage</i>	22a-471(f)(1)
Sec. 110	<i>from passage</i>	22a-471a
Sec. 111	<i>from passage</i>	22a-478(c)(8)
Sec. 112	<i>from passage</i>	25-68d(a)
Sec. 113	<i>from passage</i>	25-68d(d)
Sec. 114	<i>from passage</i>	25-68m(b)
Sec. 115	<i>from passage</i>	25-109f(b)
Sec. 116	<i>from passage</i>	26-17a(c)
Sec. 117	<i>from passage</i>	26-27(a)
Sec. 118	<i>from passage</i>	26-92
Sec. 119	<i>from passage</i>	26-192e(c)
Sec. 120	<i>from passage</i>	26-216
Sec. 121	<i>from passage</i>	26-235(d)
Sec. 122	<i>from passage</i>	27-102n(a)
Sec. 123	<i>from passage</i>	27-106(a)
Sec. 124	<i>from passage</i>	27-122a(c)
Sec. 125	<i>from passage</i>	27-138c
Sec. 126	<i>from passage</i>	28-9c(b)
Sec. 127	<i>from passage</i>	29-9(b)
Sec. 128	<i>from passage</i>	29-260(b) and (c)

Sec. 129	<i>from passage</i>	29-307a(c)
Sec. 130	<i>from passage</i>	29-313(c)
Sec. 131	<i>from passage</i>	29-349(d) and (e)
Sec. 132	<i>from passage</i>	30-1(14)
Sec. 133	<i>from passage</i>	30-86a(a)
Sec. 134	<i>from passage</i>	30-91(g)
Sec. 135	<i>from passage</i>	31-33(d)
Sec. 136	<i>from passage</i>	31-225a(c)(1)
Sec. 137	<i>from passage</i>	31-235(a)
Sec. 138	<i>from passage</i>	31-236b(a)
Sec. 139	<i>from passage</i>	31-273(b)(2)
Sec. 140	<i>from passage</i>	32-9qq(e)
Sec. 141	<i>from passage</i>	32-70d
Sec. 142	<i>from passage</i>	38a-363(a)
Sec. 143	<i>from passage</i>	42-103c(c)
Sec. 144	<i>from passage</i>	42-116t(d)
Sec. 145	<i>from passage</i>	42-133w(b)
Sec. 146	<i>from passage</i>	42-205
Sec. 147	<i>from passage</i>	42-240(4)
Sec. 148	<i>from passage</i>	45a-56(b)
Sec. 149	<i>from passage</i>	45a-56(d)
Sec. 150	<i>from passage</i>	45a-82(c)
Sec. 151	<i>from passage</i>	45a-187(a)
Sec. 152	<i>from passage</i>	45a-676(c)
Sec. 153	<i>from passage</i>	45a-690(4)
Sec. 154	<i>from passage</i>	46a-11(5)(B)
Sec. 155	<i>from passage</i>	46a-58(c)
Sec. 156	<i>from passage</i>	46a-82e(d)(4)
Sec. 157	<i>from passage</i>	46b-38c(e)
Sec. 158	<i>from passage</i>	46b-231(m)(1)
Sec. 159	<i>from passage</i>	46b-231(m)(4)
Sec. 160	<i>from passage</i>	47-5(c)
Sec. 161	<i>from passage</i>	47-12a(a)
Sec. 162	<i>from passage</i>	47-70a(b)
Sec. 163	<i>from passage</i>	47-88(c)
Sec. 164	<i>from passage</i>	47-90a(c)
Sec. 165	<i>from passage</i>	47-206(b)
Sec. 166	<i>from passage</i>	47-237(e)
Sec. 167	<i>from passage</i>	47-245(d)
Sec. 168	<i>from passage</i>	47a-30(a)

Sec. 169	<i>from passage</i>	49-32a(c)
Sec. 170	<i>from passage</i>	49-92g
Sec. 171	<i>from passage</i>	51-44a(f)
Sec. 172	<i>from passage</i>	51-190a(c)
Sec. 173	<i>from passage</i>	51-277(d)(1)
Sec. 174	<i>from passage</i>	51-278(b)(4)
Sec. 175	<i>from passage</i>	52-57(b)
Sec. 176	<i>from passage</i>	52-225d(b) and (c)
Sec. 177	<i>from passage</i>	52-328(a)
Sec. 178	<i>from passage</i>	52-356b(b)
Sec. 179	<i>from passage</i>	52-412(c)
Sec. 180	<i>from passage</i>	52-577a
Sec. 181	<i>from passage</i>	53a-29(e)
Sec. 182	<i>from passage</i>	53a-30(e)
Sec. 183	<i>from passage</i>	54-1k
Sec. 184	<i>from passage</i>	54-41p(c)
Sec. 185	<i>from passage</i>	54-47g(a)
Sec. 186	<i>from passage</i>	54-82r(b)
Sec. 187	<i>from passage</i>	54-124a(f)
Sec. 188	<i>from passage</i>	54-125e(c)
Sec. 189	<i>from passage</i>	54-156(b) and (c)
Sec. 190	<i>from passage</i>	54-203(b)(16)
Sec. 191	<i>from passage</i>	28-5(a)
Sec. 192	<i>October 1, 2005</i>	29-155b
Sec. 193	<i>October 1, 2005</i>	29-158
Sec. 194	<i>October 1, 2005</i>	29-161g
Sec. 195	<i>October 1, 2005</i>	29-161k(a)
Sec. 196	<i>from passage</i>	29-271
Sec. 197	<i>from passage</i>	29-402(c)
Sec. 198	<i>from passage</i>	36a-70(u)(1)
Sec. 199	<i>from passage</i>	36a-222(c)(2)
Sec. 200	<i>from passage</i>	36a-226
Sec. 201	<i>from passage</i>	36a-237(c)
Sec. 202	<i>from passage</i>	36a-237f(j)(1)
Sec. 203	<i>from passage</i>	36a-237h(a)
Sec. 204	<i>from passage</i>	36a-250(a)(38)
Sec. 205	<i>from passage</i>	36a-380(a)
Sec. 206	<i>from passage</i>	36a-468b(b)
Sec. 207	<i>from passage</i>	36a-468b(g)
Sec. 208	<i>from passage</i>	36a-645(2)



Sec. 209	<i>from passage</i>	36a-685(b)
Sec. 210	<i>from passage</i>	42a-4-104(c)

**JUD**      *Joint Favorable Subst.*